

1052. By Mr. KIESS: Petition of citizens of Potter County, Pa., protesting against House bills 7179 and 7822; to the Committee on the District of Columbia.

1053. By Mr. KNUTSON: Petition of C. H. Jepson, of Sebeka, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1054. Also, petition of J. B. Ishman, of Remer, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1055. Also, petition of Austin Houck, of Williams, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1056. Also, petition of Horatio S. Brown, of Williams, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1057. Also, petition of Mrs. Julia Bushnell, of Hill City, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1058. Also, petition of Frank Clark, of LaMoille, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1059. Also, petition of Chas. R. Merrell, of Swanville, Minn., and others, protesting against the enactment of the compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1060. By Mr. LEAVITT: Resolution of the Gallatin County Federation of Women's Clubs, favoring extension of the provisions of the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

1061. Also, petition of Mayor John W. Fryer, of Livingston, Mont.; Sheriff C. E. Gilbert and County Attorney Dan Yancey of Park County, Mont., protesting increase of the alcoholic content of permitted beverages as provided by bills now before Congress; to the Committee on the Judiciary.

1062. By Mr. McDUFFIE: Petition of citizens of Mobile against bills proposed for Sunday observance; to the Committee on the District of Columbia.

1063. By Mr. McREYNOLDS: Petition of citizens of Hamilton County, Tenn., against House bills 7179 and 7822; to the Committee on the District of Columbia.

1064. By Mr. MAJOR: Petition of citizens of Howard County, Mo., protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1065. By Mr. MANLOVE: Petition of 80 residents of Vernon County, Mo., against compulsory Sunday observance; to the Committee on the District of Columbia.

1066. By Mr. MEAD: Petition from American Legion, New York State Department, re House bills 7089 and 6537; to the Committee on Immigration and Naturalization.

1067. By Mr. MICHENER: Petitions signed by many residents of Belleville, Wayne County, Mich., protesting against compulsory Sunday observance bills (H. R. 7179 and 7822), etc.; also petitions in reference to same matter from residents of Ann Arbor, Mich.; to the Committee on the District of Columbia.

1068. By Mr. O'CONNELL of New York: Petition of the International Longshoremen's Association, of Buffalo, N. Y., favoring the passage of House bill 9498, for compensation for longshoremen and harbor workers injured while working aboard ship; to the Committee on the Judiciary.

1069. Also, petition of the National Guard Association of the State of New York, to adequately provide funds for purchase, forage, attendants, and maintenance of animals for the National Guard; to the Committee on Military Affairs.

1070. Also, petition of the United States Maimed Soldiers' League, favoring the passage of Senate bill 1609 and House bill 3770, to increase the pensions of those who lost limbs or have been totally disabled in the same, or have become totally blind in the military or naval service of the United States; to the Committee on Invalid Pensions.

1071. Also, petition of citizens of Brooklyn, N. Y., opposing the passage of House bills 7179 and 7822, or any other national religious legislation; to the Committee on the District of Columbia.

1072. Also, petition of the National Editorial Association, favoring the passage of the Kendall bill (H. R. 4478); to the Committee on the Post Office and Post Roads.

1073. Also, petition of National Retail Dry Goods Association, of New York, favoring the passage of the Merritt bill

(H. R. 3904) with certain amendments; to the Committee on Interstate and Foreign Commerce.

1074. By Mrs. ROGERS: Petition of residents of Lowell, Mass., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1075. Also, petition of residents of Ayer, Mass., opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1076. By Mr. SHREVE: Petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from S. V. Anderson and others, North East, Pa.; Lewis Wilkinson and others, North East, Pa.; Orlo G. Butler and others, North East, Pa.; J. M. Howard and others, North East, Pa.; J. A. DeCastro and others, North East, Pa.; Mrs. L. G. Halloran and others, North East, Pa.; Grant Hills and others, Titusville, Pa.; to the Committee on the District of Columbia.

1077. Also, petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from Mrs. R. E. Christoph and others, rural delivery, and Mrs. J. Reed Morse and others, Erie, Pa.; H. C. Prebble and others, Willis Walker and others, Ellis C. Brown and others, J. H. Humphrey and others, Corry, Pa.; to the Committee on the District of Columbia.

1078. Also, petitions protesting against the enactment of the Sunday observance bills (H. R. 7179 and H. R. 7822) from Erie, Pa.: Olive B. Tucker and others, Mrs. C. E. Badger and others, Anna Sonntag and others, M. L. Boucher and others, C. J. Menz and others, Mrs. Ethel L. Scott and others, Mrs. John Shorlock and others, Dr. Eva Sheriff and others, M. E. Thomas and others, Mrs. E. L. Mook and others, C. R. Ewing and others, H. A. Chichester and others, F. H. Leland and others, Jessie A. Patton and others, James Leach, jr., and others, J. J. Mechaney and others, Mrs. H. R. Droseski and others, Mrs. J. H. Colwell and others, Mrs. Elizabeth Herdman and others; to the Committee on the District of Columbia.

1079. By Mr. SWING: Petition of certain residents of Loma Linda, Calif., against House bills 7179 and 7822, for compulsory observance of Sunday; to the Committee on the District of Columbia.

1080. By Mr. TILSON: Petition of the Fish and Game Commission and sportsmen of the State of Connecticut, in opposition to the Stanfield bill (S. 2584) and approving of the Federal migratory bird act; to the Committee on Agriculture.

1081. Also, petition of Mrs. Louise Weichner and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1082. By Mr. WELLER: Petition from the National Guard Association of the State of New York, asking Congress to adequately provide funds for the purchase, forage, attendants, and maintenance of animals for the National Guard; to the Committee on Military Affairs.

1083. Also, petition of citizens of New York State, in opposition to the compulsory Sunday observance bills; to the Committee on the District of Columbia.

SENATE

MONDAY, March 8, 1926

(Legislative day of Saturday, March 6, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haitigan, one of its clerks, announced that the House had passed a bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DENISON, Mr. BURTNESS, and Mr. PARKS were appointed managers on the part of the House at the conference.

ENROLLED BILL SIGNED

The message further announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R.

7019) to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio, and it was thereupon signed by the Vice President.

BOSTON SESQUICENTENNIAL EXPOSITION

The VICE PRESIDENT. In accordance with section 5 of the first deficiency act, approved March 3, 1926, the Chair appoints the Senator from Massachusetts [Mr. BUTLER] and the Senator from Delaware [Mr. BAYARD] as members on the part of the Senate of the United States to the Evacuation Day Sesquicentennial Commission, created by that act.

COST OF PRODUCTION OF DAIRY PRODUCTS

The VICE PRESIDENT laid before the Senate a communication from the secretary of the United States Tariff Commission, inclosing copy of an order adopted by the commission in connection with Senate Resolution 146 (submitted by Mr. LENROOT, and agreed to February 17, 1926), relative to an investigation under section 315 of the tariff act, 1922, with respect to costs of production of milk and cream, which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED STATES TARIFF COMMISSION,
Washington, March 6, 1926.

Mr. EDWIN F. THAYER,

Secretary of the Senate, Washington, D. C.

DEAR SIR: In further reference to the resolution (S. Res. 146) of the Senate passed on February 17, 1926, there is inclosed herewith a copy of an order adopted by the United States Tariff Commission on March 4, 1926, instituting an investigation for the purposes of section 315 of the tariff act of 1922, with respect to costs of production of milk and cream.

Very truly yours,

JOHN F. BETHUNE, Secretary.

Public notice of investigations by the United States Tariff Commission under the provisions of section 315 of Title III of the tariff act of 1922

INVESTIGATION NO. 52 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

MILK AND CREAM

The United States Tariff Commission on this 4th day of March, 1926, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 707 of Title I of said tariff act, namely: Milk, fresh; sour milk and buttermilk; and cream, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth of product of competing foreign countries.

Ordered further, That a preliminary hearing in said investigation be held at the offices of the United States Tariff Commission, in Washington, D. C., at 10 o'clock a. m. on the 25th day of March, 1926, at which time and place all parties interested will be given opportunity to be present, to produce evidence, and to be heard with respect to the articles proper to be included within the scope of this investigation, the methods to be employed in ascertaining costs of production, the country or countries of principal competition, the advantages or disadvantages, if any, in competition enjoyed by the respective countries, the methods of ascertaining the costs of transportation, and other matters pertinent to the said investigation.

Ordered further, That all parties interested shall be given opportunity to be present, to produce evidence, and to be heard at a further public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing prior public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, That public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

I certify that the foregoing is a true copy of an order of the United States Tariff Commission passed on the 4th day of March, 1926.

JOHN F. BETHUNE, Secretary.

CALL OF THE ROLL

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sackett
Bayard	Fess	Lenroot	Sheppard
Bingham	Fletcher	McLean	Shipstead
Blaise	Frazier	McMaster	Shortridge
Borah	George	McNary	Simmons
Bratton	Glass	Mayfield	Smith
Brookhart	Goff	Means	Smoot
Broussard	Gooding	Metcalf	Stanfield
Butler	Greene	Neely	Stephens
Cameron	Hale	Norbeck	Swanson
Capper	Harrell	Norris	Trammell
Caraway	Harris	Nye	Tyson
Copeland	Harrison	Oddie	Wadsworth
Couzens	Heflin	Overman	Walsh
Cummins	Howell	Pepper	Warren
Dale	Johnson	Phipps	Watson
Dill	Jones, N. Mex.	Pine	Weller
Edge	Jones, Wash.	Pittman	Wheeler
Edwards	Kendrick	Robinson, Ark.	Williams
Ernst	King	Robinson, Ind.	Willis

Mr. JONES of Washington. I was requested to announce that the Senator from Illinois [Mr. DENEEN] is detained on business of the Senate.

The VICE PRESIDENT. Eighty Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. LA FOLLETTE presented resolutions adopted by the common council of the city of Milwaukee, Wis., praying an amendment of the national prohibition act so as to enable the people of the country to obtain wine and beer, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Federated Trades Council of Milwaukee, Wis., praying for the restoration of the rights of citizenship to Eugene V. Debs, which were referred to the Committee on the Judiciary.

Mr. SHORTRIDGE presented memorials numerous signed by citizens of Anaheim, Brawley, Calexico, Colton, Corona, El Centro, Fullerton, Imperial, Los Angeles, Ontario, Orange, Pomona, Redlands, Riverside, Santa Ana, San Bernardino, and San Francisco, all in the State of California, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, or any other legislation of a religious nature, which were referred to the Committee on the District of Columbia.

Mr. KENDRICK. I present a telegram from Worland, Wyo., having reference to a petition by 300 citizens of Washakie County, Wyo., which was presented to the Senate some days ago. The telegram is sent, as was the petition, by friends of prohibition, and protests against any modification of the prohibition law. I ask that it be read and properly referred.

There being no objection, the telegram was referred to the Committee on the Judiciary, and it was read, as follows:

[Western Union Telegram]

WORLAND, WYO., March 7, 1926.

Senator JOHN B. KENDRICK,

Washington, D. C.:

Please include and incorporate the following as part of petition by 300 citizens of Washakie County sent you February 9 by myself. We as representative citizens and taxpayers of the State of Wyoming do hereby place ourselves on record as a denial of the statement made by the association against the prohibition amendment that the petition sent to Senators WARREN and KENDRICK containing a list of 1,600 names was an expression of the people of this State for modification of the Volstead Act for the manufacture and sale of wine and beer. We are opposed to the modification of the Volstead law, and as citizens of Wyoming, representing the churches and dry forces, do hereby protest against any modification or weakening in any way of legislation supporting the eighteenth amendment to the Constitution of the United States of America.

Rev. W. W. SPEER.

REPORTS OF COMMITTEES

Mr. WARREN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 9341) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1927, and for other purposes, and I submit a report (No. 279) thereon. I give notice that I shall probably call up the bill for consideration to-morrow.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2853) to authorize the transfer to the jurisdiction of the Commissioners of the District of Columbia of a certain

portion of the Anacostia Park for use as a tree nursery (Rept. No. 280);

A bill (S. 2981) to amend section 553 of the Code of Law for the District of Columbia (Rept. No. 281); and

A bill (H. R. 3334) to amend section 65 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto (Rept. No. 282).

Mr. HARRELD, from the Committee on the Judiciary, to which was referred the bill (S. 1962) to amend section 101 of the Judicial Code, as amended, reported it without amendment.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (S. 3300) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, and helpless children of such soldiers and sailors, and for other purposes, reported it with amendments and submitted a report (No. 285) thereon.

Mr. BINGHAM, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (H. R. 7741) to construct a bridge across the Choctawhatchee River near Geneva, Geneva County, Ala., on State road No. 20 (Rept. No. 283);

A bill (H. R. 8514) granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Black River (Rept. No. 284);

A bill (H. R. 6710) granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ledowici, Ga. (Rept. No. 286);

A bill (H. R. 8382) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala. (Rept. No. 287);

A bill (H. R. 8386) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River, on the Athens-Florence road, between Lauderdale and Limestone Counties, Ala. (Rept. No. 288);

A bill (H. R. 8388) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala. (Rept. No. 289);

A bill (H. R. 8389) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River, near Whitesburg Ferry, on Huntsville-Lacey Springs road, between Madison and Morgan Counties, Ala. (Rept. No. 290);

A bill (H. R. 8390) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, near Jackson, on the Jackson-Mobile road, between Washington and Clarke Counties, Ala. (Rept. No. 291);

A bill (H. R. 8391) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, on the Butler-Linden road, between the counties of Choctaw and Marengo, Ala. (Rept. No. 292);

A bill (H. R. 8511) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River, near Gainesville, on the Gainesville-Eutaw road, between Sumter and Green Counties, Ala. (Rept. No. 293);

A bill (H. R. 8521) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Childersburg, on the Childersburg-Birmingham road, between Shelby and Talladega Counties, Ala. (Rept. No. 294);

A bill (H. R. 8522) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River, near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala. (Rept. No. 295);

A bill (H. R. 8524) granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River, near Samson, on the Opp-Samson road, in Geneva County, Ala. (Rept. No. 296);

A bill (H. R. 8525) granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River, near Geneva, on the Geneva-Florida road, in Geneva County, Ala. (Rept. No. 297);

A bill (H. R. 8526) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River, on the Wicksburg-Daleville road, between Dale and Houston Counties, Ala. (Rept. No. 298);

A bill (H. R. 8527) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Pea River, at Elba, Coffee County, Ala. (Rept. No. 299);

A bill (H. R. 8528) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road between Chilton and Coosa Counties, Ala. (Rept. No. 300);

A bill (H. R. 8536) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala. (Rept. No. 301);

A bill (H. R. 8537) granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between St. Clair and Calhoun Counties, Ala. (Rept. No. 302);

A bill (H. R. 8909) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River (Rept. No. 303); and

A bill (H. R. 8910) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River (Rept. No. 304).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 4 that committee presented to the President of the United States enrolled bills of the following titles:

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 2784. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across Black River at or near Jonesville, La.; and

S. 2785. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 3454) granting an increase of pension to Laura A. Hinkle (with accompanying papers); to the Committee on Pensions.

By Mr. HARRELD:

A bill (S. 3455) granting a pension to William McKinster; to the Committee on Pensions.

A bill (S. 3456) for the relief of the Choctaw and Chickasaw Tribes of Indians of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 3457) providing for the appointment of Paul J. Messer as second lieutenant of Infantry, United States Army; and

A bill (S. 3458) authorizing the appointment of William Noble as lieutenant colonel, Judge Advocate General, Reserve Corps, United States Army; to the Committee on Military Affairs.

By Mr. MEANS (by request):

A bill (S. 3459) for the relief of Neadham Henry Simpson; to the Committee on Naval Affairs.

A bill (S. 3460) incorporating the Veterans of Foreign Wars of the United States; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 3461) to reimburse Andrew O'Connor for expenses in connection with the placing of sculpture at the Peace Palace at The Hague; to the Committee on Appropriations.

By Mr. MAYFIELD:

A bill (S. 3462) for the relief of Homer H. Hacker; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3463) to extend the time for the exchange of Government-owned lands for privately owned lands in the Territory of Hawaii; to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 3464) authorizing certain officers of the United States Navy to accept from the Republic of Chile the order of Al Mérito; to the Committee on Foreign Relations.

By Mr. STEPHENS:

A bill (S. 3465) to make husband and wife competent to testify for or on behalf of each other in criminal proceedings in United States courts; to the Committee on the Judiciary.

By Mr. CUMMINS:

A bill (S. 3466) to amend section 4 of the interstate commerce act; to the Committee on Interstate Commerce.

By Mr. WELLER:

A joint resolution (S. J. Res. 66) authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch; to the Committee on Banking and Currency.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 67) for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture; to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 9795) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1927, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMERICAN MANUFACTURERS IN FOREIGN COUNTRIES

Mr. DILL submitted the following resolution (S. Res. 163), which was ordered to lie on the table:

Whereas the alleged purpose of the protective tariff is to enable the beneficiary of the said tariff in the United States to charge the foreign price plus the tariff duty; and

Whereas the cost of production in foreign countries is assumed to be as much less as the cost of production in the United States as the tariff duty, and it is reported that American manufacturers are establishing branches of their plants in foreign countries in increasing numbers: Therefore be it

Resolved, That the Secretary of Commerce is requested to investigate and report to the Senate at the earliest convenient date the number of American manufacturing concerns that have established branches in foreign countries during the past five years, and the names of said manufacturing concerns, the nature and extent of such factories, the place of location, the amount of American capital invested in said branch factories, the value of the product produced in said factories during the past year, where said product was sold, the number of employees, and the average wage paid.

PRICES OF AGRICULTURAL MACHINERY AND IMPLEMENTS

Mr. SHEPPARD submitted the following resolution (S. Res. 164), which was ordered to lie on the table:

Whereas the Bureau of Foreign and Domestic Commerce reports that during the calendar year 1925 there were exported 20,366 sewing machines for domestic use, valued at \$510,969, an average price of \$25.09; 11,252 cream separators, valued at \$553,196, an average price of \$49.16; 241,064 horsepower plows, valued at \$7,636,627, an average price of \$31.64; 31,427 harvesters and binders, valued at \$5,340,845, an average price of \$171.24; 1,719 combined harvesters and threshers, valued at \$1,025,350, an average price of \$596.06; and 44,965 wheel tractors, valued at \$26,127,449, an average price of \$581.06, and that in 1925 the total value of agricultural machinery exported was \$77,936,911, and the total value of agricultural machinery and implements imported was only \$3,094,104, although they are duty free; and

Whereas the reported price abroad of much of this American agricultural machinery and many of these agricultural implements is less than the price to retailers here: Therefore be it

Resolved, That the United States Tariff Commission is hereby directed to investigate and to report to the Senate as promptly as possible:

The prices to retailers of sewing machines, cream separators, horse and power plows, harvesters and binders, combined harvesters and threshers, wheel tractors, and all other agricultural machinery and implements of which over \$1,000,000 worth were exported in 1925—

(a) In the principal foreign countries to which exported;

(b) In the United States;

and approximately the difference in the transportation charges on each of these manufactures within the United States and to foreign countries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed

to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes.

BIG SANDY RIVER BRIDGE, KENTUCKY—WEST VIRGINIA

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation, to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, asking for a conference with the Senate on the disagreeing votes of the two Houses thereon, and appointing conferees on the part of the House.

Mr. BINGHAM. Mr. President, I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD were appointed conferees on the part of the Senate.

AGGRANDIZEMENT OF FEDERAL POWER

Mr. BINGHAM. Mr. President, I ask unanimous consent to have inserted in the RECORD a very able article by the senior Senator from New York [Mr. WADSWORTH], printed in Nation's Business for March, 1926. I call particular attention to the last four paragraphs, in which the Senator from New York refers to the growth of Federal power and says:

For if we continue this centralization of power and this assumption of governmental functions, we shall most certainly smother the ability of our people to govern themselves in the several States and in their home communities.

Too often we are tempted to hand over to the Federal Government the doing of those things which can be done perfectly well by the States and their subdivisions, because for the moment it seems the easiest way to relieve ourselves of the burden of local responsibility and the duty of living up to it.

Our comparative success in governing ourselves for the past 150 years has rested most of all upon the initiative and enterprise of our people in meeting and solving governmental problems as they arise.

If we continue to take power away from the people and to transfer it to Washington we shall destroy those qualities, our local governments will dwindle to the vanishing point, and we shall find the average man becoming a servant of the Government instead of its master. Let us remember that our country is a Federal Union of States and not an empire. Realizing as we must the dangers of a bureaucracy, irresponsible and remote from our view, let us pause and survey our situation before we yield to its inducements.

The VICE PRESIDENT. Without objection, the article will be printed in the RECORD.

The article referred to is as follows:

[From the Nation's Business, March, 1926]

LET'S STOP THIS "50-50" BUSINESS

By JAMES W. WADSWORTH, Senator from New York

The "50-50" system of Federal aid to the States, in its modern lavish form, had its inception in 1914. Its beginning was modest enough. In that year Congress enacted the Smith-Lever law, which has for its purpose the promotion of cooperative agricultural extension work.

The appropriation carried in the bill for the first year of its operation was \$480,000, to be divided equally among the 48 States on condition that their legislatures appropriate an equal amount for carrying on the work of educating their citizens in agriculture and home economics.

The next step was the Federal good roads bill of 1916, for which the first year's appropriation was \$5,000,000. From these lowly origins the growth of the subsidy system has been nothing short of astonishing. It has been like the proverbial snowball rolling downhill. Its popularity, particularly among western and southern Members of Congress, has been immense.

TIME HAS COME TO TAKE STOCK

Its ramifications have taken many different directions from road building to teaching mothers how to care for their infants. To-day its inroads on the Federal Treasury have reached the enormous total of \$110,000,000 annually, which, of course, requires substantially an equal outlay from the States, so that the total cost of the system to the tax-paying public is well over \$200,000,000 a year.

The time has come, in my opinion, to take stock and to get a clear understanding as to where we are headed. I do not contend that the subsidy system is wrong in every detail or that it ought to be abolished entirely. There may be some functions performed under it which can

be done better by the Federal Government than the States. But I do believe that it could and should be radically curbed both in the interest of economy and sound policy and that steps should be taken to place a check upon its growth before it undermines our whole system of dual sovereignty of the State and Nation.

I hear now of a movement to get \$100,000,000 annually from the Federal Government for the purpose of promoting education in the various States on the "50-50" plan. A certain organization is placarding the Nation with a slogan to stimulate a campaign for the construction and maintenance of 250,000 miles of good roads "by the Federal Government."

One of my colleagues says he would like to see the Federal appropriation for good roads doubled, making it about \$160,000,000 annually, so that the National Government would then relieve the States entirely of the payment of their 50 per cent of the roads expenditures.

A decent regard for the capacity of the Federal Treasury and of the principle of local self-government, if it is not to become wholly obsolete, requires that we learn soon where the extension of this expensive form of Federal encroachment on State responsibility may be expected to end. During the last session I tried to get the Senate to approve an amendment calling for a statement of the ends sought in the Federal good-roads program.

The amendment directed the Secretary of Agriculture to have prepared, in cooperation with the appropriate State authorities, a map or plan of outlining the system of post roads which, in his judgment, should be improved under the Federal aid system and to submit that map or plan to Congress, together with estimates as to the cost and the period of time necessary for the completion of the work.

WE OUGHT TO HAVE SOME PLAN

I contended, and still contend, that Congress is entitled to know what is contemplated for the future, how much it will cost, and how long it will take. If we are to go on expending \$80,000,000 or \$90,000,000, or even more, a year we ought to have some plan on which to build, and that plan ought to be before Congress, so that we will know not only where we start but where we are going.

Strangely enough, that amendment was voted down. It was opposed on the ground that it might be construed in some way as calling a halt on future appropriations. The ardent advocates of the subsidy system apparently didn't want to know where we are headed.

There are five main forms of Federal subsidies: Highway construction (act of July 11, 1916); agricultural extension (Smith-Lever Act of May 8, 1914); vocational education (act of Feb. 23, 1917); vocational rehabilitation (act of June 3, 1920); and maternity and infant hygiene (act of Nov. 23, 1921).

During the fiscal year 1924 (the last one for which completed figures are available) the Department of Agriculture, by authority of Congress, of course, disbursed \$98,790,595.19 in various forms of subsidies. The disbursements for road construction were approximately \$90,000,000. Expenditures for vocational education were \$5,412,143.40; for agricultural extension, \$5,820,816.89; and promotion of welfare and hygiene of maternity and industry, \$720,694.79.

These disbursements, with numerous smaller doles, brought the total for the year up to \$110,377,443.68. No less than \$80,000,000 is needed to carry out the highway-construction plans for next year, and still another \$116,700,000 will be required to discharge additional obligations already incurred under the same head.

THE WAY SOME STATES PAY

An interesting feature of the system is the manner in which some States are called upon to pay the great proportion of this outlay, from which they receive only a minute share in return. A few instances will serve to illustrate the point.

The State of Nevada pays into the Federal Treasury \$760,000 annually and receives in subsidies \$1,845,945, or 262 per cent of the amount it contributed to the maintenance of the Federal Government. North Dakota pays in \$1,282,838 and takes out \$1,487,859. South Dakota pays \$1,951,248 and gets in return \$2,094,133.

Contrast this with the case of Pennsylvania, which pays in \$269,000,000 to the Federal Treasury and receives in return \$1,839,000, or about seven-tenths of 1 per cent.

New Jersey pays in \$112,000,000 and takes out \$652,000, or fifty-eight one-hundredths of 1 per cent. Connecticut fares still worse. It pays in \$37,000,000 and gets back \$201,000, or fifty-four one-hundredths of 1 per cent.

The representatives of the Western States have a ready answer for this. They say that the Federal Government holds vast areas in the public domain within their borders, and hence it is only fair that the National Government should contribute a large share to the improvements and expenses in those States. But there is an answer to that. Under the Federal forest fund act of 1907, 25 per cent of the gross revenues from timber sales, livestock privileges, and other uses of the forest reserves go back to the States within which the reserves are located for school and roads and 10 per cent for forest trails and roads.

In addition to this the mineral leasing act of 1920 provides for the payment of 37½ per cent of bonus and royalties on those reserves. Under these two acts refunds to the States are more than \$16,000,000,

of which 11 Western States get \$14,000,000, leaving less than \$2,000,000 to be divided among the other 37 States. Some of the States get absolutely nothing.

Wyoming gets \$5,143,434, an amount equal to 246 per cent of the amount of Federal taxes it pays into the Treasury. When the subsidies are added to this amount Wyoming receives from the Federal Government \$6,491,285. Its contribution to Federal taxes is \$2,088,353. The amount of the subsidies and refunds therefore is equal to 310 per cent of the State's contribution to the National Government.

On the other hand, take the case of the State of New York. Its share of the Federal tax burden is \$690,415,425, and it receives in return \$4,474,294. I am not objecting because New York does not receive more, but it seems to me that the time has come to lay a restraining hand upon the practice of wet-nursing some States at the expense of others.

But questionable as these features of the system are, the most dangerous phase of it, in my opinion, is its tendency toward the breaking down of the principle of local self-government and the creation of an all-powerful Federal bureaucracy.

The danger does not lie in the Federal aid system alone by any means. During the last 15 years the Federal Government has undertaken the exercise of a large number of new and important functions. A scanning of the list of congressional enactments during this period reveals something of the situation. For example, since President Roosevelt left the White House on March 4, 1909, we have established the Federal Trade Commission with inquisitorial powers over every business concern engaged in interstate commerce.

We have set up a Tariff Commission charged with the duty of investigating the costs of manufacturing at home and abroad and advising the President, and through him the Congress, as to the differences in those costs. We have created a Federal Farm Loan Board and given it authority to supervise the making of loans on farm lands all over the country.

We have established a United States Shipping Board with its Emergency Fleet Corporation and have put the Government into the commercial shipping business, with results known to all.

We have given important authority to the Secretary of Agriculture in connection with the operation of the grain exchanges. In this same period by constitutional amendment we have given the Federal Government the right to impose taxes upon all incomes from whatever source derived. And most important of all, through the adoption of the eighteenth amendment, we have given the Federal Government police power over every citizen to an extent never dreamed of by the founders of the Government.

This tremendous extension of Federal power, together with Federal aid development, has resulted in establishing at Washington, with branches all over the country, a vast governmental machinery so powerful, so complicated, that the average citizen is utterly unable to comprehend it. Certainly we should pause before we permit its further extension and enlargement, for if we continue this centralization of power and this assumption of governmental functions we shall most certainly smother the ability of our people to govern themselves in the several States and in their home communities.

Too often we are tempted to hand over to the Federal Government the doing of those things which can be done perfectly well by the States and their subdivisions, because for the moment it seems the easiest way to relieve ourselves of the burden of local responsibility and the duty of living up to it.

Our comparative success in governing ourselves for the past 150 years has rested most of all upon the initiative and enterprise of our people in meeting and solving governmental problems as they arise.

If we continue to take power away from the people and to transfer it to Washington, we shall destroy those qualities, our local governments will dwindle to the vanishing point, and we shall find the average man becoming a servant of the Government instead of its master. Let us remember that our country is a Federal Union of States, not an empire. Realizing, as we must, the dangers of a bureaucracy, irresponsible and remote from our view, let us pause and survey our situation before we yield to its inducements.

NEWS-LETTER OF ALL-AMERICAN COOPERATIVE COMMISSION

Mr. BROOKHART. Mr. President, I ask unanimous consent to have printed in the RECORD the news letter of the All-American Cooperative Commission issued March 1, 1926.

There being no objection, the news letter was ordered to be printed in the RECORD, as follows:

COOPERATIVE NEWS SERVICE (WEEKLY),
Cleveland, Ohio, March 1, 1926.

PRESSMEN TAKE OVER BANK

Another mighty recruit to the long list of labor organizations interested in labor banking was enlisted recently when the International Printing Pressmen's Union announced the purchase of control in the Hawkins County Bank, of Rogersville, Tenn. Rogersville lies near the international headquarters of this powerful printing trades-union, and its bank is the logical depository for millions of the union's funds.

The International Printing Pressmen's Union also owns a large interest in the Federation Bank of New York City, the second largest labor bank in America.

President George L. Berry has requested members and locals of his union to deposit their funds in the Hawkins County Bank, which will soon rank as one of the leading institutions of Tennessee. The printing pressmen's bank is a novel departure in the history of labor banking, as nearly all such institutions are located in the larger centers of population, with a few in smaller railroad centers. The pressmen's bank is in the heart of a rich agricultural section.

PACKING COOPERATIVE BRINGS PROSPERITY

The Fergus (Minn.) Cooperative Packing Co. gladly yields page 1 in the newspapers to the billion-dollar Food Trust and the anticonsumer plots of the Chicago packing plants. Instead it prefers to spread the benefits of cooperation among its former members, for cooperation by its very nature finds itself unable to plot against the public interest or to engineer criminal conspiracies to wring profits from the needs of the people.

The audit just completed of the packing cooperative's books shows a business of \$469,000 for the past year, with an additional \$52,000 for the retail store. Dividends will be announced later in the season, when assets will be in the form of cash rather than meats. Important capital additions will be made to the plant this year as an evidence of the prosperous condition of this big cooperative.

COOPERATION PART OF LABOR EDUCATION

That the extensive labor education movement sweeping the country can be translated into added effectiveness for cooperation is shown in the example of Esther Oberg, a graduate of Brookwood Labor College, of Katonah, N. Y. Miss Oberg, after two years of intensive training at Brookwood, during which she managed the labor college cooperative store, went to Battle Creek, Mich., to serve in the cooperative society's store there. Soon after she was elevated to the position of manager. Miss Oberg is also the editor of the Cooperative World, a monthly house organ, and contributes widely to the advancement of the Michigan labor movement through addresses and articles in the press.

Labor education, the All-American Cooperative Commission comments, must include training in the cooperative movement if it is to realize its full possibilities. Trade-unionism and cooperation represent the two arms of a single movement. Without one or the other labor's cause is permanently crippled.

COOPERATION RULES WORLD'S WHEAT

A parliament of wheat, representing the majority of the world's acreage in the greatest of the grains, met recently in St. Paul, Minn., to discuss the problems of international marketing. The tremendous strength of cooperation in this basic industry was testified by the presence of men from the leading wheat pools of three continents, every one of them cooperators and officials in the wheat-pool movement.

Among the States represented were Minnesota, Indiana, Kansas, Texas, North Dakota, Oklahoma, Nebraska, Alberta, West Australia, South Dakota, Saskatchewan, Russia, Manitoba, South Australia, New South Wales, Ukraine, and Victoria. In each of these United States, Canadian, Australian, and Russian States cooperative wheat pools are flourishing as major factors in determining the price of wheat.

Technical problems of marketing and international aspects of wheat production were discussed thoroughly in the three-day conference. The Western Producer, of Saskatoon, Saskatchewan, has published full reports of the technical aspects of the conference.

COOPERATIVE STORE REAL AMERICAN ROMANCE

Romance in America centers in the cash box, if we are to believe the scores of writers who have molded their novels around the poor but honest boy who toward the end of the book lords it over an army of servants as he dashes back and forth between Wall Street, Florida, and Europe. Cooperation, too, can furnish cash-box romances, although a finer spirit of service to all rather than selfish aggrandizement is the motive power behind its successes.

Turn over the thirteenth annual statement of the Soo Cooperative Mercantile Association, of Sault Ste. Marie, Mich. There you will find net sales of \$25,000 ten years ago as contrasted with \$551,000 during the last year. What private enterprise offers a better example of sudden growth or a more satisfying example of industrial progress? This half million business was done on a capital of \$34,000, thus pointing to a turnover that would be the pride of any present-day Babbitt. Fortunately, however, the returns on this handsome business did not go into the maintaining of country clubs for idlers or palaces for the wealthy, for another item in this co-op's statement shows \$126,000 returned to stockholders, customers, and employees since its organization 13 years ago.

The Soo Cooperative has a string of seven stores, two of which also handle meats, and one bakery goods. During the past year \$13,000 was spent on an addition to the main store.

E. E. Branch, secretary of the New Era Corporation, a cooperative insurance firm of Grand Rapids, Mich., told the stockholders at their annual meeting that American cooperation is writing the principles of the Constitution into industry. "Our Constitution," he declared, "established democracy in our Government. Cooperation will apply the same principles in trade and lay the foundations for economic democracy."

NATIONAL LEADERS ADVISE LABOR BANK

Gov. Albert Smith and Mayor J. J. Walker, of New York, head a group of 25 Federal, State, and city officials included in an advisory committee of more than 200 stockholders in the Federation Bank of New York, controlled by metropolitan trade unions, to assist in transforming the bank into a trust company. Other members of the committee are President William Green, of the American Federation of Labor; Mortimer L. Schiff, banker; Senator Royal S. Copeland; Thomas Meighan; John McCormack; Charles Chaplin; Adolph Zukor; Gerard Swope, of General Electric Co.; Charles D. Hilles; Franklin D. Roosevelt; Hugo Mayer, director of the Labor Bank of Germany; and Luis N. Morones, secretary of labor in Mexico.

The State department of banking has approved the bank's plan for adding trust functions. The Federation Bank & Trust Co., as it is to be known, will start with resources of \$17,000,000, according to President Peter J. Brady.

TWO FRANKLIN BOOKLETS

Two attractive booklets have been issued by the Franklin Cooperative Creamery Association, Minneapolis. These are entitled "Year Book 1924-25" and "A Trip Through the Franklin Plants." Both publications are well printed on highly calendered paper and profusely illustrated. The year book consists of 58 pages. It contains a history of the enterprise, detailed descriptions of the various properties of the association, the report of the officers and directors to the sixth annual meeting, cooperative financial statistics, and brief accounts of the various activities of the association other than the distribution of milk.

The booklet entitled "A Trip Through the Franklin Plants" is smaller than the year book. Its 38 pages are given over to views of the different plants and brief descriptions of the various features illustrated.

COOPERATION ATTRACTS COMMUNISTS

The New York district executive committee of the Workers (Communist) Party has ordered party members interested in cooperatives to form "factions" within them for the "building up of the cooperative movement in America."

MUSCLE SHOALS

The Senate resumed the consideration of House Concurrent Resolution 4, providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The VICE PRESIDENT. The pending question is on the amendment of the junior Senator from Arkansas [Mr. CARAWAY].

Mr. ASHURST. Mr. President, regarding the particular resolution under consideration, I ask that there may be read at the desk a letter from the Arizona corporation commissioner on the subject.

The VICE PRESIDENT. The clerk will read as requested. The Chief Clerk read the letter, as follows:

ARIZONA CORPORATION COMMISSION,
Phoenix, March 8, 1926.

Hon. HENRY F. ASHURST,

United States Senate, Washington, D. C.

MY DEAR SENATOR: My attention has been directed to a bill recently introduced by Senator McKELLAR, of Tennessee (S. 3081), relating to the development and distribution of power at Muscle Shoals.

This bill, as you no doubt have already observed if you have had the time to review it, contains some very dangerous provisions. Perhaps the most startling feature, and the one most objectionable, is the proposal to further curtail State rights. In addition to that, it would place the power to prescribe rates in the hands of an alien commission, which might or might not be familiar with the territory in which the power would be distributed. This question I am sure you will agree should be left in the hands of State authorities, who would be thoroughly familiar with local conditions and who would know the needs of the communities and peoples to be served. Certainly no central power, no matter how competent or how sincere the desire to serve the public, could be in so favorable a position to determine these matters as would a local body.

I wish to register my distinct disapproval of this feature of the McKellar bill and to express the hope that you will lend your ability to

see that a proper amendment is proposed and passed to protect the interests of the people of Arizona, which, in my judgment, would be jeopardized by the passage of this bill in its present form.

With kind personal regards, I am,
Yours truly,

AMOS A. BETTS, *Commissioner.*

The VICE PRESIDENT. The junior Senator from South Carolina [Mr. BLEASE] is entitled to the floor.

Mr. HARRIS. Mr. President, will the Senator from South Carolina yield to me to enable me to make a short statement?

Mr. BLEASE. I yield to the Senator from Georgia.

Mr. HARRIS. Mr. President, I regret that in the heat of debate insinuations have been made as to the motives influencing Senators in the Muscle Shoals matter, and while I shall vote for this resolution, I do not think the debate has helped its passage. I had not expected to say anything further after my remarks of last week in favor of the amendment submitted by the junior Senator from Arkansas [Mr. CARAWAY], which provided for an equitable distribution of the surplus power not needed for fertilizers. While every Congressman from Georgia as well as myself widely differ with my own colleague, the junior Senator from Georgia [Mr. GEORGE], who opposed the Ford offer and is now opposing this resolution, I give to him and others differing with me credit for being just as honest as I am. I do not believe there is a Senator in the Chamber who is influenced to do anything but what he thinks is for the good of his country in voting upon the Muscle Shoals proposition.

I think my friend, the Senator from Alabama [Mr. HEFLIN], is making a mistake when he antagonizes other Senators who differ with us honestly in this matter.

Mr. HEFLIN. Mr. President, will the Senator yield to me right at that point?

Mr. HARRIS. After I shall have concluded my statement I shall be very glad to yield to the Senator. I want to remind the Senator from Alabama that last year we had a conference report before the Senate on the Muscle Shoals matter, and I believe it would have become the law, but the Senator from Nebraska [Mr. NORRIS], the chairman of the Agricultural Committee, did not allow us to have a vote on it. What I am afraid of now is that after the bid comes in under the pending resolution we will be unable to get a vote on it because of the early adjournment of Congress. Certainly we will be unable to do so if we continue antagonizing Senators who differ with us.

We have lost sight in the debate of what was responsible for the creation of the Muscle Shoals development. It was primarily for the purpose of national defense, and nitrates are absolutely necessary in manufacturing munitions. No one seems to have mentioned that in the discussion; however, they have dealt with the water-power development. While manufacturing nitrates at Muscle Shoals and having the plant operated at full capacity, so that in time of war we could get all we needed, it is necessary to do something with the plant at other times, so we provided that fertilizer should be manufactured in peace times and sold to farmers much cheaper than they are now paying.

Mr. President, have we forgotten that when we declared war on Germany the first thing Germany did was to notify Chile that if she let us have nitrates she would be held responsible? If Germany had had a navy that could have blocked the ports of Chile, the United States would have been greatly handicapped in conducting the war. The principal reason why the pending resolution is before us is because it is a matter of national defense. Suppose we were to have a war now with another country? We are the only country in the world that does not have a nitrate plant. We would be at the mercy of a foreign country. I think that during the war with Germany about 20 per cent of our ship tonnage was used in bringing nitrates to this country. We were absolutely dependent upon Chile. We want to prevent a recurrence of such a condition. If we had war with another country now, the first thing they would do would be to level their guns on the ports of Chile and prevent us getting nitrates. We would have no way of getting them unless we were prepared for their manufacture in our own country.

The State of Georgia spends between \$25,000,000 and \$30,000,000 a year for fertilizer. If the pending resolution should pass and result in reducing the price of fertilizer one-half, it would mean a saving to the farmers of my State of enough money in one year to pay the entire expense of running our State government, which includes several million dollars for Confederate pensions. There is nothing more important to our people than this legislation. We have been planting cotton on our lands for more than 100 years. Much of our land is

worn out, and it is absolutely necessary for us to use fertilizer in order to produce cotton and other products, and not only our entire country but the world is interested in obtaining cheap cotton. We can not produce it at the present low price unless we can get cheaper fertilizers.

England is taxing every bale of cotton manufactured, and the revenue raised is spent in encouraging the production of cotton in her colonies. Other countries are doing everything they can to encourage the production of cotton, and the South must compete with pauper labor of the world. Do not forget, Senators, that the southern cotton planter's crop sold in foreign countries is largely responsible for the large gold reserve in this country. Opposition to the pending resolution because a committee of Congress has been selected to secure bids and make recommendations to the Congress as to which is the best bid does not have weight with me, and I do not think it will satisfy the people of my State and the South. They want action. They are tired of speeches on Muscle Shoals. They are now and have been several years in a terrible condition financially, and the development of this project would greatly help them.

In my opinion a committee of Congress to settle this matter is far better than lawyers and employees in the departments. Senators and Representatives in Congress are responsible to the people they represent. Now, in answer to the argument against a committee from Congress because Senators and Representatives would be unduly influenced by their colleagues' recommendations, let me refer to the action recently taken in the House of Representatives where a distinguished Congressman from my State, Judge CHARLES CRISP, was one of the commissioners named for the settlement of the Italian debt matter and was honored by the committee by his selection to present their recommendation to the House. He recommended certain concessions to the Italian Government in the settlement of their debt to our country. There is no man in the House who is more beloved by his colleagues than is Judge CRISP, and especially by his own colleagues from the State of Georgia. Of the 11 Congressmen representing that State, only 1 voted in favor of the recommendations he submitted and advocated.

The other 10 voted against Judge CRISP's view of that matter, and the same situation will develop as to this proposed legislation. There is no Senator here who is going to be influenced in his vote by the recommendation of the committee. They are going to study the bids and be influenced by what they think of the best bid that comes before us.

Members of the Agricultural Committee of the Senate and the Committee on Military Affairs of the House of Representatives have made a special study of this matter for years and will know better how to get a satisfactory bid than will the men in any of the Government departments. From my State 10 of the 12 unusually able and conscientious Members of the House are lawyers; 9 of them and my colleague have been on the bench and served with distinction. They are so interested in this matter that they will be careful to see that our farmers who are interested in getting cheaper fertilizers and the Government's nitrates for national defense will be protected in whatever bids are considered. There are able lawyers in this body than there are in the Department of Justice, and I think Congress can settle this question better than any other Government agency.

We have heard a great deal of complaint of Presidents usurping the power of Congress, but this is the first time I have heard criticism of Congress having its own committee instead of delegating to the President the handling of this matter which is of vital concern to the farmers and all our people of the South, as well as the entire country. I believe that 90 per cent of the people of my State favored the Ford offer; I believe that 99 per cent of the farmers of Georgia favored that offer.

In both my campaigns for the Senate, Mr. President, if you will pardon a personal reference, my opponent, former Senator Hardwick—who filled the unexpired term of the late Senator Bacon—opposed legislation which would permit the Government in times of peace to use Muscle Shoals for the manufacture of fertilizers to be sold to the farmers at cost. In both campaigns I made that an important issue, and I am certain that Mr. Hardwick lost many votes because of his attitude. In his last race against me he was overwhelmingly defeated—he carried less than 10 per cent of the counties of the State.

Mr. President, I favor the Smith substitute for the pending resolution, which is similar to measures I have favored heretofore, when the bill of the Senator from Nebraska [Mr. NORRIS] with amendments was under consideration, during the last session of Congress. I believe that the Government ought to experiment for a few years with the Muscle Shoals plant and

find out what can be done with this plant, just how much nitrates and fertilizers can be manufactured, and after ascertaining the cheapest way to manufacture fertilizers to supply all our farmers, make a lease of the plant to private parties, with guaranty that they shall not charge farmers more than a small profit.

The Government can not manufacture anything as cheaply as can individuals and corporations, and farmers should get fertilizers at the lowest possible cost.

We hear complaint about permitting a part of this power at Muscle Shoals to be used for the manufacture of fertilizer; that we shall lose money by it, and that it will be a subsidy for the farmer. That does not come with very good grace, Mr. President, from Senators who voted for the Esch-Cummins bill, which practically guarantees the railroads dividends on all their property; and Senators who voted for the high tariff duties of the Fordney-McCumber bill, which taxes the people of this country billions annually and increases the cost of living so much as to make it difficult for many to meet the necessities of life. Why should we not, if necessary, give the farmers all the water power at Muscle Shoals, if it will assist them in the raising of crops and save them from losing their farms? Many of them have already lost their farms within the last few years.

Opposing this resolution and delaying this matter is just exactly what the Water Power Trust wants. They have the only transmission line, and the Government is dependent upon the Power Trust for the sale of the power until we shall build our own transmission lines connecting with cities needing power or else make a disposition of Muscle Shoals some other way. It is to the interest of the Water Power Trust for this proposed legislation to be defeated or delayed. They can not influence anyone in this body to vote against this resolution, but they would make millions of dollars if Congress defeats it and does nothing toward leasing this plant or developing it ourselves. For that reason, the Power Trust is more interested in delaying the legislation than is anyone else.

When I speak of the Water Power Trust Corporation I speak of it with no feeling against them. Many of those connected with it are personal friends of mine and good men. They are interested in making dividends for their stockholders. The newspapers lately, however, have shown a combination of the Alabama Power Co. and the Georgia Railway Power Co., which practically have a monopoly of the water power in Georgia and Alabama; and other power companies have combined. The Water Power Trust is one of the greatest trusts in the United States.

When the Ford measure was before the Senate there was no Senator here who did not get letters from the Fertilizer Trust protesting against the acceptance of the Ford offer. I placed these letters in the RECORD. The Water Power Trust also had its lobby here opposing the Ford offer. Congress and the Republican administration were going to scrap all the millions which had been spent at Muscle Shoals; and everyone knows that if it had not been for Ford's offer of a few million dollars for the plant and guaranteeing to make cheaper fertilizers for the farmers and nitrates for munitions the Republican administration would have abandoned Muscle Shoals. We are indebted to Ford for preventing the destruction of this nitrate plant, which would have destroyed the hope of the cotton farmers to get cheaper fertilizers and not be at the mercy of the Fertilizer Trust. All the Representatives from my State and almost every Member of Congress in the House or Senate from the South favored the Ford offer; in fact, I never heard a public man in my State utter a word against the Ford proposition so long as it was before Congress.

The Fertilizer Trust and the Power Trust both opposed the Ford offer. They knew that he would go down there and use that power to bring about competition in all manufacturing and cheapen the price production of fertilizer. They knew they could not compete with Ford's method of manufacturing fertilizer. If the Power Trust shall acquire all power at Muscle Shoals, instead of giving us competition, as Ford would have done, and helping to reduce the price of power and fertilizer, the United States Government, by leasing to the Water Power Trust, will be helping to perpetuate a monopoly. That is one reason why I shall support the Smith substitute. I want to be sure that the Water Power Trust does not control it.

Representative SNELL, of New York, the chairman of the Rules Committee and the author of the resolution before us, when this matter was before the House of Representatives stated that if we could not get a satisfactory bid he would support some measure, such as the Norris bill or the Smith substitute, which would allow the Government to experiment with the plant in making nitrates and cheaper fertilizers.

I shall vote for the Smith substitute for the Government to first make experiments for a few years in manufacturing fertilizers. I shall also vote for the Caraway amendment to distribute surplus power not needed for manufacture of nitrates and fertilizers. I can not understand how the Senator from Alabama can stand up and argue against the Caraway amendment. Muscle Shoals belongs to the Federal Government and not to the State of Alabama any more than to Georgia or other States. If the Smith substitute is voted down, I shall vote for the House resolution, with the hope that a satisfactory bid may be made that will insure cheap fertilizers to the farmers and nitrates to our Government. If no bid meets with our approval Congress will, I believe, adopt the suggestion, which I also favor, of Representative SNELL, chairman of the Rules Committee of the House and author of the resolution before us, providing for the Government's immediate operation of the plant to experiment a few years in making nitrates and fertilizers. Unless action of some kind is taken now it means another two years' delay, as the appropriation bills will take up most of the time of the short session of Congress, and it will not be possible to pass this legislation until the long session the following year.

Of course, that is exactly what the Fertilizer and Power Trusts are hoping we shall do; it will enable them to get several million dollars' worth of power at a small cost, and fertilizers will not be cheaper. I can not understand how Senators can vote to delay this matter when farmers are in such financial distress and have been for years. Anything that helps the farmer helps all business. If there ever was a time when the farmers of my section needed help, it is now; they would prefer a half loaf to a whole loaf later on; but I can see no reason why we should not, by adopting this resolution at this time, give them a whole loaf. We shall certainly close the door of hope of any assistance if we vote down this resolution. However, I put the Senator from Alabama on notice that I will not vote for any bid the committee reports that discriminates against my State.

Mr. SMITH. Mr. President, I should like to take a few minutes, if my colleague will allow me, to read into the RECORD some statements made by the National Grange in convention assembled at Atlantic City in 1924. This is official and has direct reference to the very subject now before us.

Without reading the caption of the article, I want to read a quotation from ex-President Roosevelt which was incorporated in this report by the grangers at the meeting referred to, touching the identical subject.

They say—that is, the grangers in convention assembled—

We believe we have arrived at the time predicted by Theodore Roosevelt when he said:

"The people of our country are threatened by a monopoly far more powerful, because in far closer touch with our domestic and industrial life, than anything known in our experience. A single generation will see the exhaustion of our natural resources of oil and gas and such a rise in the price of coal as will make the price of electrically transmitted water power a controlling factor in transportation, in manufacturing, and in household lighting and heating. Our water power alone, if fully developed and wisely used, is probably sufficient for our present transportation, industrial, municipal, and domestic needs. Most of it is undeveloped and still in National or State control. To give away this, one of the greatest of our resources, without compensation would be an act of folly. If we are guilty of it, our children will be forced to pay an annual return upon a capitalization based upon the highest prices which the 'traffic will bear.' They will find themselves face to face with the powerful interests entrenched behind the doctrines of 'vested rights,' and strengthened by every defense which money can buy and the ingenuity of able corporation lawyers can devise."

This is an expression of ex-President Roosevelt about the development of our water power and the duty of the Congress in relation thereto. Now I want to call attention to what the grange—perhaps the oldest farm organization in existence in America to-day—had to say about Muscle Shoals; and this report was adopted:

Regarding the Muscle Shoals project, in which the Government has already invested something over \$100,000,000 of the people's money, we believe—

The Government should make the necessary expenditure to finish the plant and operate it for the benefit of all the people in the production of fertilizers and electricity. If this course is found to be impractical, we then recommend—

That Muscle Shoals be leased on the best terms obtainable, with the provision that fertilizers manufactured be distributed for agricultural purposes at cost. Any such lease should comply in every particular with the Federal water power act.

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. SMITH. Just one minute, Mr. President, this resolution was submitted to the grange and adopted. It also adopted the resolution in which the expression from ex-President Roosevelt was contained.

Now, Mr. President—

Mr. HEFLIN. Before the Senator gets away from that, I should like to have him yield a moment.

Mr. SMITH. I yield.

Mr. HEFLIN. I hold in my hand a letter from the representative of the National Grange here in Washington, urging that this particular concurrent resolution be passed without amendment.

Mr. SMITH. Mr. President, I do not know what is the attitude of any individual here in Washington. I simply have read into the RECORD what was said by the grange in convention. Since the Senator has raised that point, let me say that it is not so much a question of what this official says or that official says; it is a question of what this body believes is its duty in the premises; whether, with this power developed and the machinery installed, ready to carry out the solemn mandate of a statute that is now on the books for the benefit of agriculture, having expended this amount of money for that definite and specific purpose, we are now to turn it over to a private corporation under a lease under the implied terms of which not only may the product be sold at whatever the company may deem is its cost, but we commit ourselves to 8 per cent profit. It is the old, iniquitous, indefensible cost-plus contract that swamped this country in its attempt to meet the exigencies of the war. The billions of indebtedness piled up on us now come from that iniquitous principle of cost plus.

Mr. President, I had intended and may yet decide to introduce at this time my resolution turning this matter over to the farmers in toto through the Agricultural Department, creating a corporation under the auspices of that department for the benefit of the farmers alone, and, if there is any surplus power, letting them sell it, take whatever profits accrue from that and invest them in cheapening the process of getting this ingredient during times of peace for the farmer. The bill that I introduced is practically the resolution that I intended to introduce; and the principle involved in that is that we shall turn over this matter to the Agricultural Department, and empower it to create a corporation like the Shipping Board or the Waterways Corporation, and run this plant solely and alone for the benefit of agriculture during times of peace, and certainly for the production of nitrates for the Army during time of war.

We have dedicated this plant since 1916 for this distinct, definite purpose. We, through our agency in the Agricultural Department, have outstripped the world in developing processes for fixing nitrogen and concentrating fertilizer. We have the plant equipped and the machinery installed. Why should we lease it to anybody, any more than we should lease our facilities for making investigations into the diseases that affect plant and animal life?

Mr. President, I am not going to take up any more time right now, because I do not want to infringe on the time of my colleague; but I desire to impress the Senate with the fact that wherever this proposition is known in its purpose and its possibilities there is not a single farm organization that I know of, there is not a real, good common-sense farmer but that understands that his only hope for relief from the intolerable burden imposed upon him now by the fertilizer manufacturers of this country is the hope held out by this project and by this expenditure of money by the Government, through the perfection of the plan of fixing nitrogen and combining it with potash and phosphoric acid, and making for him that for which he must now pay practically all the profits that accrue to him from farming.

Mr. SIMMONS. Mr. President, before the Senator takes his seat I desire to say that some question has been raised, both in this discussion and in the discussion of this subject before the Senate at the last session, with reference to the possibility of manufacturing nitrogen from the air at a cost that would enable the producer to sell the product to the farmer at less than he is now paying. I have not myself had any doubts about that. I have believed, and I still believe, that with proper economy and efficiency nitrogen can be made from the air at much less than we now have to pay for it; but, as I understand the proposition of the Senator from South Carolina as embodied in his proposed substitute, he thinks that the Government should not dispose of this property at Muscle Shoals, either for power or for any other purpose, until the Government itself has experimented with different processes for the purpose and with the intent of ascertaining whether this product can be made at a reasonable price and in sufficient

quantities. Until that question is determined the Senator thinks the Government should not dispose of this property, for the reason that until that question is determined we do not know what this property is worth. I understand that that is the effect of the Senator's substitute.

Mr. SMITH. Yes; Mr. President. I should like to call the Senator's attention to the fact that since 1916, when the present law was enacted, there has been such a radical change in the process that scientists have reduced the cost, as expressed in the units of power, from 60,000 horsepower down to 4,000 horsepower to produce a given unit of fixed nitrogen.

They started with the arc process. They then took the cyanamide process and have modified now what was known as the Haber process to a point where synthetic nitrogen is produced. The process has been reduced in power requirements to the point where they are as 4 to 60 as against the arc process and 4 to 30-odd in the case of the cyanamide process; and I have samples, which I showed to the Senate the other day, showing the rapid progress that has been made in the art of fixing nitrogen in the form in which the farmer needs it.

Cyanamide now is not in the form in which the farmer can use it; nitric acid certainly is not in the form in which the farmer can use it; but in the form of what is called urea, or phospho-ammonia, they have it in the experimental stage in the form where the farmer can use it just as you and I use nitrate of soda.

Is it not the part of breaking faith, to say nothing of folly, for us, right at the time when we have the power developed ready to go on with the experimentation, ready to determine the last word in the production of this necessary ingredient, to turn it over to a private corporation, for this reason: The dead work, as the inventors call it, is the pioneering in any art. Who is going to pioneer for the benefit of the farmer? You know and I know that if we lease this property to a private corporation and they discover a new process of fixing nitrogen, they will patent it at once and put up the price to as high a point as the traffic will bear. Roosevelt said that, as quoted by the grange in this resolution. If, however, the Government holds the property and discovers processes that do this thing, then it means that the farmers, through their own agents, will be the direct beneficiaries of the improvements of the process.

We put our hands to this plow for a specific, definite purpose, which was to develop the art and make it contribute to the welfare of agriculture. Now, after we have spent more than \$150,000,000 in carrying out the mandates of the previous Congresses, when we have the machinery all set up, ready to go to work, we are asked to withdraw our hand and turn over the whole business to a private concern for their exploitation upon the cost-plus plan.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

Mr. SMITH. I yield.

Mr. OVERMAN. We have appropriated this year \$225,000 for the research laboratory here in Washington to make experiments in regard to the production of nitrogen. If we lease the plant at Muscle Shoals and this laboratory discovers a cheap way of making nitrogen, the results of their investigation will go to the private corporation, whereas if the Government runs the plant, the discoveries will go to the Government to be used for the benefit of the farmers.

Mr. SMITH. Mr. President, I thank the Senator for that suggestion. We have appropriated \$225,000 to carry on our research laboratory work, to discover processes by which we may get nitrogen in the form in which we want it, both quantitative and qualitative. Now, it is proposed that we take the very machinery we set up for the benefit of the farmer and say to our research laboratory, "Any new discovery you make, any development you perfect, you are to turn over to this private corporation and let them benefit the farmer at cost plus." I am certainly obliged to the Senator from North Carolina for calling my attention to that.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from North Carolina?

Mr. SMITH. I yield.

Mr. SIMMONS. I recall very distinctly that when this matter was before us on a previous occasion the suggestion was constantly made, in connection with the adequacy of the price that the uncertainty of being able to produce this article at a reasonable price, the possibility of great losses in experimenting in trying to produce it economically and in sufficient quantity was so great that we ought to make allowances for that in fixing the price; that it was an element, and a very important element, which entered into the transaction, so far as the consideration to be paid by private individuals was concerned.

It was also very vigorously contended on this floor by many of us, by the Senator from Nebraska, by myself, and by a number of others, that the proposition then before us was a proposition that concerned itself chiefly with the development of power; that it was not, except incidentally, a nitrogen proposition; that if we leased the plant to this private company upon the terms then proposed, they would experiment, and if they found they could not produce nitrogen at as low a cost as the figure at which we can now buy it, of course, under the terms of the lease, they would not be required to produce it at all. In other words, we were dealing with a proposition which might eventuate, after certain experiments and failures, in a pure and simple power proposition. The Senator remembers that?

Mr. SMITH. Yes; I do. That was the burden of the whole argument.

Mr. SIMMONS. As I understand it, now we are dealing with a private corporation. They are to produce nitrogen and manufacture fertilizer for the farmer, the cost of producing nitrogen being an essential element in the cost of fertilizers. They are to sell the fertilizer to the farmer at actual cost, plus 8 per cent. If the actual cost shall be so great that after adding 8 per cent the farmer could not buy it, it would be unavailable to him. He would prefer to get his supply from Chile, or from somewhere else, because he could get it cheaper.

If the purchaser under this resolution is buying this property primarily for power, if they were so disposed, would it not be within their power to raise the cost of production to such a point that plus the 8 per cent the product would be no longer available to the farmer, thus losing to him the opportunity of having his fertilizer made in the United States and resulting in practically turning this great plant over to a power company?

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. SIMMONS. I ask the Senator if that might not be the result?

Mr. SMITH. If my colleague will allow me—

Mr. HEFLIN. Will the Senator yield right there?

Mr. SIMMONS. I wish the Senator from Alabama would allow me to carry on this colloquy a little further, because, unfortunately I have been absent; I have not been here during the debate, and I am trying to get some light on the proposition.

Mr. HEFLIN. I want to tell the Senator what the testimony is on that subject.

Mr. SMITH. Let me reply to the Senator from North Carolina, if my colleague will allow me.

Mr. BLEASE. Mr. President, if the senior Senator from South Carolina will be so kind as to accept it, I will just give him the floor.

Mr. SMITH. If my colleague will yield to me for just a few minutes, I will be obliged to him.

Mr. BLEASE. I will be very glad to yield now. The Senator knows a lot more about the subject than I do.

Mr. SMITH. The Senator recalls very clearly—

Mr. SIMMONS. Before the Senator goes into that, let me state just one point. My position about this matter has always been that I wanted this great power which has been developed, and a much greater potential power there that will hereafter be developed, to be used to the fullest extent necessary in order to supply the farmers of the United States with nitrogen. I am far more interested in that than I am in the power, because even if we do not develop any water power at Muscle Shoals, we have sufficient water power elsewhere in our country to run our industries.

Mr. SMITH. Let me say to the Senator right there, that, so far as the Government water power is concerned, that is no new thing. Everybody knows how to utilize water power, and we would not have appropriated 5 cents for Muscle Shoals if it had been proposed that the Government should go down there and develop water power.

Mr. SIMMONS. We have already developed 600,000 horsepower on the waters of North Carolina, and the undeveloped water power of North Carolina is so great that we may extend that to two and a half or three million horsepower. There is plenty of water power in my State for all commercial purposes. What we are concerned about primarily in connection with Muscle Shoals is the manufacture of fertilizer on this property which belongs to the Government in sufficient quantities to supply the farmer, and any condition, any provision, any contingency in connection with this contract which endangers the permanent use of this property for the making of a sufficient

quantity of nitrogen to supply the American farmers is, to my mind, something indefensible.

Mr. SMITH. It is a perversion of the law.

Mr. SIMMONS. It is a perversion of the purposes and objects we have had in view. When the proposition was pending before I contended, and I now contend, that with the uncertainty of the possibility of developing nitrogen from the air sufficiently cheap to make it available to the farmer, until that question has been determined and until it is made certain that for all time to come a sufficient amount of this power will be dedicated to that purpose, I do not want the Government to dispose of the property. I do not want the Government to dispose of it until that happens, because I am exceedingly in doubt as to whether the companies which are now bidding for this property have in view at all the manufacture of fertilizer. I have an idea that their purpose is entirely concentrated in the development of power, and that they will, by one method or another, handle the situation so that fertilizer apparently can not be made there sufficiently cheaply to answer the purposes of the farmer.

Mr. HEFLIN. Mr. President, will the Senator yield just there?

Mr. SMITH. I prefer to answer that right at this point. Everyone of us knows that everything moves along the line of least resistance, and the readiest market is for power. Perhaps no hydroelectric power company in this country will make as great a profit as will be reaped through the leasing of Muscle Shoals on the terms proposed in all the measures that have been before us. I will not stop now to analyze that proposition. They are to pay so much interest on \$50,000,000, the cost of the dam, less the amount ascertained to be the value of the improvements on the river to the Government as aids to navigation. That may reduce it to \$30,000,000. They will get this tremendous power, with a market waiting and ready, with some transmission lines already constructed, with the transformers easily installed, the switchboards ready.

The Senator and the Senate know that the argument we have heard here about the likelihood of the manufacture of fertilizer at Muscle Shoals is without foundation. All the arguments we have heard are to the effect that we do not need that power to produce fertilizer. Therefore the Senator is right in his contention that if we lease this plant we will have leased a power project, and it will result, in my opinion—and I am sure the Senator agrees with me that it will result—in the production of nitrogen by whatever company gets it, with whatever processes are available, and the cost being found excessive, with 8 per cent added, they will say, "It is not feasible; therefore we want to be relieved from any further obligation to produce nitrogen." Then they will have our power plant.

Mr. SIMMONS. We would have to release them, would we not?

Mr. SMITH. Certainly we would.

Mr. HEFLIN. Mr. President—

Mr. SIMMONS. If we want an unbiased investigation of this—

Mr. HEFLIN. I could not permit that statement to go unchallenged.

Mr. SIMMONS. If we want thorough experimentation and investigation of the possibility of producing nitrogen from the air at a cost that will make it available to the farmers, we are more likely to get it through a Government agency than through a private agency.

Mr. SMITH. What object would the Government have in misleading the farmers when we have established this Nitrate Research Laboratory; when we consider the consecration of the Agriculture Department to the interest of agriculture, a branch of the Government set aside for that purpose, advanced to the standing of a department of our Government, the Secretary of Agriculture and his vast host of collaborators trying to analyze and state the problems of the farmers, and to solve those problems, spending hundreds of millions of dollars annually through this department to better the farmers' condition. Now, instead of leaving this project as we provided for it, it is proposed that we turn it over to a corporation whose interest it is to make profit, not fertilizer. They do not lease it with any other idea.

Mr. HEFLIN. Now, Mr. President, if the Senator will yield—

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. The Senator has so much time in which to speak, and repeat and rerepeat what he has already repeated, and is still repeating that I think perhaps—well, I will yield.

Mr. HEFLIN. I should think the Senator would yield, when he states that we would have to release the man who entered into a solemn contract to make fertilizer. We would not do anything of the sort. We would hold him to the lease or cancel the lease.

Mr. SMITH. Does the Senator think we ought to hold him to the lease if—

Mr. HEFLIN. Hold him to the lease or let him get out of the way and give place to somebody who can make fertilizer.

Mr. SIMMONS. What would be the use of holding him to the lease if he was making the fertilizer at such a price that nobody could pay it?

Mr. HEFLIN. The testimony before the committee is to the effect that they could make it at half the price the farmers are paying to-day.

Mr. SMITH. I do not think that has been demonstrated yet. I have been zealous for the carrying out of this project, so zealous that I have prided myself upon the fact that the original act was a piece of constructive legislation, believing that as long as water flowed and as long as the transformation of energy was a fact it would be an eternal blessing to those who must till the soil.

We have not yet arrived at perfection in the process by which nitrogen is fixed from the air; that is, in an available form cheaper than they may get it now from the sources from which it comes. But, as I showed the other day, and I had the samples here on display, our research laboratory has already in an experimental way—understand, I am not saying in a commercial way, but in an experimental way—produced a form that is three or four times more concentrated than Chilean nitrates. They have combined not sodium with nitrogen, but they have combined phosphoric acid with nitrogen, they have combined potash with nitrogen in a concentrated form to the extent that a ton of 2,000 pounds contains 1,850 pounds of these three necessary plant foods as contradistinguished from and as compared with the ordinary present commercial fertilizer, which in a 2,000-ton has 1,700 pounds of dirt and only 300 pounds of plant food. The saving in freight alone to the farmer on 8,000,000 tons of fertilizer is estimated to be \$16,000,000 on the dirt alone.

Under the present process of manufacturing fertilizer the fertilizer manufacturer takes the raw material as he finds it. Let us take, for illustration, nitrate of soda. There are 15 pounds of nitrogen in every 100 pounds of nitrate of soda. That means there are 85 pounds in elements that nobody wants, and that the field would be better off without—the sodium that contains the nitrogen. Let us take potash, or kainite, which the Senator from North Carolina has pointed out is the common form of German potash that we use. It has only 12 pounds in 100 pounds of the container, the most of which is chlorine. They take the kainite and grind it and they take the soda as it comes from Chile and grind it, and mix in such proportion as to make an 8-3-3 product, but there are only 300 pounds of actual plant food in a ton of 2,000 pounds. We are paying freight on 1,700 pounds of material that we do not want and would rather not have, hauling it from the depot to the farm and distributing it on the farm, to say nothing of the cost of the shipment of the raw material from Germany and Chile to this country.

I dare say that the freight alone on the raw material to the mixing plant and from the mixing plant to the farm would, it is conservative to say, entail a loss of between \$25,000,000 and \$30,000,000 annually. It is profitable to the fertilizer people to do this. They are getting just as great a percentage of profit on the money invested as they would get out of the concentrate, but the railroads, on the other hand, get just as much for hauling the dirt as for hauling the plant food. Not only is that true, but the cost of these materials is beyond your control and my control. Why? Because the Germans fix the price of their potash shipside and the Chilean fixes the price of nitrate shipside. Then all of the intermediaries who handle it have got to add on their cost and profit, so that when it arrives at the farm it arrives with the tax of the Chilean Government on it, it arrives with the German tax, and the transoceanic freight plus the local freight, plus the grinding, plus the charges of the wholesaler and retailer, and plus the charges of the ordinary dealer around our little stations. When it arrives in the farmer's hands it comes with that host of profits added.

Now, what is your duty and what is my duty? Our bureaus say they are developing a process by which 1,850 pounds of actual plant food will be in every ton of fertilizer, so that when we haul 2,000 pounds we will get practically 2,000 pounds of plant food. We not only get that valuable product but we

have no cost save the cost of the plant and the wages of our men whom we put there. Is it not your duty and is it not my duty and the duty of other Senators who recognize the helpless condition in which agriculture now finds itself to find the best method to fertilize the soil? Upon the fertilization of the soil, as Senators know, depends not only the present but the immediate and distant future of this country. God is not making any more land, but He is making more population. The bigger the population the greater the demand upon the land. The greater the demand upon the land the greater the demand for fertilization, and we as constructive statesmen must find the means by which we can adequately enrich the soil.

To whom are we going to leave the solution of the problem? To whom did we leave the eradication of the foot-and-mouth disease? To whom did we leave the eradication of the cattle tick that cost the country hundreds of millions of dollars? To whom do we leave the activities in looking to the benefit of the farmer generally? We have left everything to the Agricultural Department with one exception. We have arrived at a point where we now can turn over to the farmer a process that will relieve him not only of the apprehension of his land being depleted but also with a guaranty now almost ready to be made that he shall find an adequate supply at cost. But when we get there we stop. Why? In my opinion it is because there never has been established in this country a corporation to manufacture the dip for the eradication of the tick.

We did not have in this country some one who could provide the means by which the boll weevil, upon which we spent about \$13,000,000, might be checked or destroyed. But when we come to the question of fertilizer, we are face to face with an organized and entrenched manufacturing process, and, therefore, we must not touch the proposition. That is the holy of holies. We saw it demonstrated here the other day when we had the tax measure before us, in which was a provision for not taxing the reserve funds of mutual cyclone insurance companies, mutual storm insurance companies, mutual hail insurance companies, but when we came to mutual fire insurance companies the provision did not apply. I suspected then and suspect now that, consciously or unconsciously, because of the establishment of old-line fire insurance companies, it was felt that we were interfering with them and that we should not do such a thing.

Now, I want to take up another phase of the subject.

Mr. NEELY. Mr. President, I desire to submit a parliamentary inquiry, if the Senator from South Carolina will permit me.

The PRESIDING OFFICER. The Senator from West Virginia will state his inquiry.

Mr. NEELY. Who has the floor?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. NEELY. There remain but two hours for general debate. In order to give others an opportunity to speak, I call for the regular order. If the junior Senator from South Carolina has yielded to his colleague—

Mr. SMITH. He has yielded to me.

Mr. NEELY. Then the senior Senator from South Carolina has the floor in his own right.

Mr. SMITH. Yes; and if the Senator will pay strict attention, he will find that I am enlightening him along lines in which he ought to be interested, and I know that he is interested.

Mr. NEELY. I am very much obliged to the Senator for that statement, and I am always glad to hear the Senator, but unfortunately he is not answerable to my constituents. I prefer to state my position on the matter for myself, although I know that the senior Senator from South Carolina believes that he can do it infinitely better than I can.

Mr. SMITH. I want to state to the Senator that I am cognizant of the fact that the time is limited. I have not used very much time.

I call attention now to another phase of the subject that has not been dwelt upon at all. It was touched upon very briefly by the Senator from North Carolina [Mr. SIMMONS] a few moments ago. It has been testified by experts that we can produce nitrogen under the synthetic process by use of the steam as cheap as or cheaper than we can produce it by the use of water. That is an argument in our favor for this reason. If we have 100,000 horsepower developed at Muscle Shoals, the more we reduce the power necessary to produce a unit of fertilizer, the more we can produce. If we get it down where the minimum of water power is needed to produce a certain unit of nitrogen, just in that proportion will Muscle Shoals give the promise of creating sufficient power to fix from the atmosphere a sufficient amount of nitrogen to supply the needs of the entire

fertilizer requirements of America. I believe as firmly as I am standing here that according to the table submitted by the Bureau of Soils and the experimentations now going on at our research laboratory, we can produce enough pure nitrogen, precipitated in conjunction with other chemicals in the form of the three ingredients that I have named, to make enough tonnage to supply the entire fertilizer needs of America.

Several Senators have spoken about 40,000 tons of pure nitrogen. That, translated into terms of 8-3-3, would mean something like 250,000 or 300,000 tons of mixed nitrogen in the form of commercial fertilizer with the filler. But with the perfection of the experiments they have already made, if upon a test at Muscle Shoals they should find it to be possible of manufacture in commercial quantities, there can be produced enough fertilizer at Muscle Shoals to supply the fertilizer demands of America. The source of nitrogen is unlimited. The source of phosphoric acid is unlimited, and so is the source of our potash, if experimentation turns out to be a commercial proposition and practical. The green shales of Georgia and the green sands of Jersey, where they are found, are sufficient to mix with the nitrogen we make to supply the whole fertilizer demands of the country. The question is, Why shall we not hold on to the property and utilize all the power, if necessary, in developing the project?

Mr. SIMMONS. Mr. President, I read a statement recently that when the World War closed Germany was importing about a million tons of nitrate of soda per annum.

Mr. SMITH. That was when the World War began.

Mr. SIMMONS. The Senator from South Carolina is right about that; it was when the war began that Germany was importing annually about 1,000,000 tons of nitrate soda.

I have read a further statement that to-day Germany is not importing more than 24,000 tons per annum.

Mr. SMITH. Germany, I think, now has two plants, which are producing more than sufficient for her needs. She is now exporting nitrates and is outstripping the world in her production per acre by the application of fertilizers.

Mr. SIMMONS. The Senator from South Carolina has studied this question very thoroughly, probably more thoroughly than has any man in the Senate, certainly more thoroughly than have I. I have read the additional statement that the very foundation and basis of Germany's great agricultural development before the World War was the cheap fertilizer that she supplied through Government agencies.

Mr. SMITH. And which she is still supplying.

Mr. SIMMONS. And which she is still supplying, I understand, until this day through the Government agencies to the farmers of that country, and further that the productivity of her soil had been enormously increased by the use of cheap fertilizers, the basis being nitrogen made from air, as I understand.

In this country, where our agricultural lands are better than Germany's and where, of course, we have a vast domain, why is it that private industry—unless the reason be that it is restrained by combinations and trusts—has not up to this time undertaken to supply to the extent that Germany has this need of the farmer?

Mr. SMITH. I think the answer to that is very plain, Mr. President. Fertilizer manufacturers are making sufficient profit and supplying the trade by the present processes.

Mr. SIMMONS. If that be so, why should we now trust to private enterprise to do a thing that it ought to have done long ago, but has not done? Why should not the Government proceed with this matter, especially in view of the fact that the Government owns this plant and has spent millions of dollars in its development for a specific purpose? Why should we give up that property until we shall have determined whether in this country, as in Germany, we can get all the nitrogen that we need from the air?

Mr. HOWELL. Mr. President—

Mr. SIMMONS. Just a moment further.

I wish to say a word further to the Senator from South Carolina [Mr. SMITH]. A little while ago he spoke about the enormous demand in this country to-day for fertilizer and its great benefit in increasing the productivity of the soil. Does not the Senator believe that the present demand for fertilizer in the United States is only a bagatelle in comparison with what it is going to be in the future?

Mr. SMITH. The present demand for fertilizer is a mere bagatelle in comparison with what it will be in the future if it should be cheaper.

Mr. SIMMONS. Let me develop my point. Take my own State of North Carolina. In a few years we have advanced in agricultural production from about the twentieth or twenty-fifth in rank among the States of the Union to about the fourth

in the value of agricultural commodities which we produce. We in North Carolina are the greatest users of fertilizer of any State in the Union. The soil of a large part of our territory was naturally sterile and unproductive, but we have made that soil rich and fertile by the use of fertilizers. We use a million tons of fertilizers each year, and that is the secret of our enormous output of agricultural products in the State of North Carolina as compared with the other States.

As the agricultural sections of the country become convinced that by the liberal use of fertilizers—and we use fertilizers very liberally in North Carolina, putting sometimes an entire ton of it on 1 acre of ground—they can enormously increase their output and their profits. May we not look for a condition in the country at large similar to that which I have described in North Carolina? May we not look for the great West, where the people are wearing out their lands cultivating wheat continuously year after year without fertilizer, reducing the original average from 25 to 30 and possibly as high as 50 bushels of wheat to the acre down to 12—may they not when they realize the great benefit to America by the use of fertilizer reconstruct their methods and resort to fertilizers as we have done in North Carolina and as the people are beginning to do in every State in the South to a greater extent every year? If that shall happen, as I predict it will happen in the course of the near future, the demands of the United States for fertilizers will then be tenfold greater than they are to-day.

I am merely giving my crude and offhand impressions about this matter; I have not studied it extensively, and I am making this statement for the purpose of eliciting from the Senator from South Carolina—whom I recognize as the greatest authority, probably, in the United States or in Congress upon this subject—his views with respect to the subject. If it be true that we are entering upon an era where fertilizer is to become the chief reliance of the farmer in multiplying his production, so that his production may become more profitable and more helpful to the country and may increase our wealth and our exportable surplus, why is it not wise for us now to do that thing which we have neglected to do in the past and lose no opportunity, no possibility of providing for the farmer a cheap fertilizer?

Mr. SMITH. I should like to call the attention of the Senator from North Carolina, as illustrating what he is trying to impress upon the Senate, to the fact that in my State he will recall that by the intensive use of fertilizer the famous Jerry Moore produced two hundred and thirty-odd bushels of corn on 1 acre. Of course it was not profitable to produce that amount of corn with the price which he had to pay for the fertilizer used on that acre; but suppose he had not been required to pay as much as he did for the fertilizer, under the law of increasing and diminishing returns, he might have produced that two hundred and thirty-odd bushels of corn at a profit.

If the country had needed corn and the question of the cost of fertilizer had not entered into it, as in the case of the defense of the country during the time of war, what could our section produce? And, mark you, Mr. President, that 230 bushels of corn was produced on what is known as the "black-jack" land of the Piedmont section.

Mr. SIMMONS. Which is very poor land, I understand.

Mr. SMITH. It is very poor land, being a thin sandy loam. Mr. Drake, of Marlboro County, under the measurement and supervision of Government officials, both of the State and the National Government, years before, on a better improved piece of land, made 250 bushels, such as is ordinarily made anywhere on from 10 to 20 acres. It is a good average yield of corn throughout our section to have 15 bushels to the acre. That will enable Senators to understand what fertilizer means to the soil. There are Members of the Senate from the Southern States who know that as much as 4 bales of cotton have been made on 1 acre, with an excessive amount of fertilizer. When I use the word "excessive" I mean excessive as to cost, because as the yield is increased the amount of fertilizer necessary to increase that yield is multiplied after a certain point is reached. The soil responds more liberally to the first few hundred pounds than it does to the subsequent ones; but it still responds up to a certain maximum, which was expressed in 250 bushels of corn to the acre and 4 bales of cotton to the acre. That tells the economy of the situation. Not only is more obtained per acre by the use of fertilizer, but it costs just as much to cultivate an acre of corn that yields 15 bushels as it does to cultivate an acre producing 230 bushels. It costs just as much to cultivate an acre of cotton that will produce 4 bales as one that will produce a half a bale. So I state here to-day that the paramount question in the future of this country is the adequate fertilization of our soil, and the only hope that we have of solving that problem along eco-

conomic lines is for the Government to carry on without any other incentive than to solve the problem and determine what we may do in the terms of things that we have.

Mr. NEELY. Mr. President, will the Senator from South Carolina yield to me to present a request for unanimous consent?

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. SMITH. Yes.

Mr. NEELY. Mr. President, I ask unanimous consent that between now and 3.30 o'clock p. m., the time at which we are to vote on this measure under an existing order, no Senator shall speak more than once and no Senator shall speak for more than 15 minutes. I make that request in behalf of a number of Senators who have not had an opportunity to discuss the pending question.

Mr. HEFLIN. I agree to that, Mr. President.

Mr. JONES of Washington. Mr. President, I myself have no objection to the request, but when a similar request was made the other day objection was made. There is now a very small attendance of Senators here, and I do not believe that such an agreement ought to be entered into under the circumstances.

Mr. NEELY. It is obvious, Mr. President, that there are a sufficient number here to consume all the time between now and 3.30 o'clock and probably all the time for the next week at the rate at which we are going. So I insist we have a right to have those who are now in the Chamber, especially interested in this question and listening to the debate, determine how the remaining two hours shall be consumed.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I hope he will withhold his request for a moment.

Mr. JONES of Washington. I withhold the request for a moment.

Mr. SMITH. Mr. President, I have the floor, and I want to make a statement.

The PRESIDING OFFICER. The absence of a quorum has been suggested.

Mr. JONES of Washington. I withdraw the suggestion.

Mr. SMITH. Mr. President, I have no desire whatever to cut off debate, and I am not going to retain the floor any longer. This matter is of such intense interest to me and, I am sure, to the agricultural interests of this country, that I had hoped the United States Senate would have taken a more personal interest in it than they have done. I think it is a mere gesture that we are going through with now; there is no sincerity in it, because we can not afford and should not allow any private interest to have this great project, regardless of what is the fate of the resolution now pending and regardless of what bids shall be offered. It is our duty to take this matter seriously and to hold on to Muscle Shoals until we have developed the possibilities of relief along the lines of the present statute, and at the proper time I propose to offer my substitute for the entire resolution.

Mr. JONES of Washington. Mr. President, may I ask the Senator from West Virginia to withhold his request for a little while until I can send for the Senator from Nebraska [Mr. NORRIS] and he can be in the Chamber. He objected to a similar request the other day.

Mr. NEELY. If I can get recognition for a few minutes I will withdraw my request entirely.

Mr. HARRISON. Mr. President, if the Senator from West Virginia withdraws the request I shall renew it. I hope that some limitation shall be made upon the speeches between now and 3.30 o'clock.

Mr. HEFLIN. Mr. President, the request will be renewed a little later, but I suggest that the Senator from West Virginia be permitted to proceed now. He will not speak over 15 minutes, I understand.

Mr. NEELY. I will not consume anything like 15 minutes. I think I have consumed something like four minutes since the question has been before the Senate.

The VICE PRESIDENT. The Senator from West Virginia is recognized.

Mr. NEELY. Mr. President, more than 100 years ago President Monroe and his Secretary of War, John C. Calhoun, laid Muscle Shoals, like an unwanted child, on the doorstep of the Congress. Ever since the day of its entry into this body it has been a most perplexing, persistent, and pestiferous guest. During the past century Muscle Shoals has consumed the time of legislators, marred their parliamentary programs, deluded those who have desired the distribution of its power, and bit-

terly disappointed every farmer who has ever hoped to enrich his impoverished soil with the fertilizers which could be so cheaply made by a proper utilization of its potentialities.

This project has cost the taxpayers of the Nation, including principal and interest, at least a quarter of a billion dollars.

Muscle Shoals has proved to be more vexatious and expensive to the American people than the plagues of the frogs and the flies and the locusts and the lice were distasteful and disastrous to the ancient Egyptians who endeavored to perpetuate the bondage of the children of Israel.

In current slang Muscle Shoals has become as irritating and intolerable as a "northeast blister on a southwest sore."

Between 1828 and 1838 the Government made a donation of 400,000 acres of public land, with the proceeds of which the State of Alabama constructed the first canal and locks at Muscle Shoals.

In 1899 the second great improvement was completed at an additional cost to the Government of \$3,191,726.50.

In the latter part of the year 1917 the Chief of Engineers of the Army directed the expenditure of \$500,000 for the beginning of the construction of lock and dam No. 2.

In February of the following year President Wilson authorized a further expenditure of \$12,630,000 for the completion of this dam.

In addition to the foregoing the Government has constructed two nitrate plants at the shoals and purchased the near-by Waco quarry for use in the manufacture of fertilizers.

Nitrate plant No. 1, which was authorized in September, 1917, is equipped for the manufacture of gas, ammonia, ammonia oxidation, acid concentration, ammonium nitrate, and power. It cost the Government \$12,887,941.

Nitrate plant No. 2 has a capacity of 110,000 tons of grained ammonium nitrate a year. Its various subdivisions are equipped to manufacture calcium carbide, cyanamide, liquid air, ammonia gas, nitric acid, ammonium nitrate, and power. This plant, together with the Waco Quarry, cost the Government \$67,553,355.

All told the Government has already invested 400,000 acres of land and more than \$122,000,000 in cash in Muscle Shoals. So far this investment has been almost entirely unproductive. It is high time that the people derive some benefit from their vast expenditures for the development of this enterprise.

Ever since I came to the Senate I have advocated Government operation of this great natural resource. At this late hour I shall not attempt to refute the charges that governmental operation in this instance would be a socialistic step toward the nationalization of all industries. Suffice it to say that for reasons apparent to every thoughtful person governmental operation of Muscle Shoals is not even remotely related to governmental operation of coal mines or steel mills or other ordinary industries.

From an economic and strategic point of view, Muscle Shoals is similar to the Panama Canal. Every consideration that has impelled the Government to operate the Panama Canal should impel it to operate Muscle Shoals. Each was purchased with the people's money. Each is necessary to the Nation's prosperity in time of peace; each is indispensable to its security in time of war.

While Muscle Shoals should always be immediately available for the production of munitions in time of war, it should in peace be utilized first of all in the manufacture of fertilizers for the benefit of the farmers, whose present financial condition is more deplorable than that of any other class in the country. While the press has boasted of the phenomenal prosperity of the captains of industry and the extraordinary increase of wealth of those who deal in stocks and bonds, under the present and preceding administration the farmers of the nation have, nevertheless, during the same time grown poorer and poorer and apparently lost the greater part of that which other classes have won.

For example, on the 1st day of January, 1921—a little more than two months before Mr. Harding's administration began—the value of farm property of the Nation was \$79,000,000,000. On January 1, 1926, the value of the Nation's farm property was only \$59,000,000,000. This deplorable shrinkage in value meant a dead loss to the farmers of \$20,000,000,000 in the short space of five years. The farmers have received no more benefits from the present and preceding administration than Lazarus received at the rich man's gate.

Let me invite the Senators on the other side of the aisle to atone for their derelictions of the past by helping to-day to provide for immediate governmental operation of Muscle Shoals to capacity in the manufacture of fertilizers to be furnished to the farmers at the lowest possible cost to the end that they may reclaim their exhausted soil and extricate

themselves from the financial slough of despond in which they have suffered ever since the end of the Wilson administration.

But, Mr. President, I confess that my past experience with the lawmakers of the Nation renders it impossible for me to cherish any optimistic anticipations as to the result that will be recorded when we vote on the pending concurrent resolution and the proposed amendments thereto at half past 3 o'clock.

No one can be oblivious to the fact that wealth and privilege are more nearly supreme in the United States to-day than they have ever been before. The country is in the grasp of a materialism as crass as any that Nietzsche ever taught or of which the Kaiser ever dreamed. In the circumstances, the Congress will perhaps succumb to the general clamor for the exploitation of Muscle Shoals by some private concern, instead of authorizing its operation by the Government in the interest of all the people.

But, if after a hundred years of expensive debate and deliberation the Senate can not be persuaded to provide for Government operation of this enterprise by virtue of a substitute resolution that will be offered by the able senior Senator and successful farmer from South Carolina [Mr. SMITH] we shall be forced to the conclusion that it would be useless further to continue the struggle to prevent monopolistic hands from operating Muscle Shoals.

I have offered three amendments to the resolution, each of which is designed to safeguard the interest of the public. The third of my amendments is, in my opinion, of the most vital importance. It provides that in any lease that may be executed by virtue of the adoption of the resolution before the Senate, there shall be reserved to the Government the right, after a year's notice in writing, to take over Muscle Shoals and all of its improvements upon the Government's paying to the lessee the actual cost of such improvements and 6 per cent interest thereon.

If this amendment prevails, and the resolution as thus amended is adopted, it will never be necessary for the Government to suffer more than a year as a result of any unfortunate contract it may make for the operation of the Shoals.

But regardless of the adoption or rejection of any or all of the various amendments and substitutes that have been or may be proposed, I purpose to vote for the best immediately available solution of this century-old problem in order to end its obstruction of other necessary legislation. If we should adopt the resolution without amendment, and thereby demonstrate anew the truth of Mr. Burke's pessimistic dogma that "the deliberations of calamity are rarely wise," I shall endeavor to find comfort in the fact that practically all of my constituents who have favored me with an expression of their opinion on the subject we are considering have urged me to vote for the pending measure.

If the Senate places its stamp of approval on the resolution, and Muscle Shoals thereby becomes the valuable possession of some private concern, the eloquent and able junior Senator from Alabama will be entitled to all the credit for the accomplishment. Throughout his long, vigorous, and most effective advocacy of the private operation of the Shoals it might have been very appropriately said of him, as it was once said of another famous orator:

His mighty words like Jove's own thunders roll;
Greece hears and trembles in her inmost soul.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from New York?

Mr. NEELY. I do.

Mr. COPELAND. I hope the Senator will press his amendment providing that the lease be reported back. I assume, from what the Senator says, that he will do that at the proper time.

Mr. NEELY. Of course, I shall urge the adoption of all the amendments I have proposed, including the one to which the Senator from New York has referred.

Mr. FESS obtained the floor.

Mr. JONES of Washington. Mr. President—

Mr. FESS. I yield to the Senator from Washington.

Mr. JONES of Washington. I was just going to announce, when I saw the Senator from Nebraska [Mr. NORRIS] coming in, that he had no objection to limiting debate, if it is desired to submit that request again.

Mr. HEFLIN. Then, Mr. President, I submit it, unless the Senator from Ohio objects.

Mr. FESS. No. I desire to take the floor for about 10 minutes.

Mr. HEFLIN. I ask unanimous consent that debate hereafter until half past 3, shall be limited to 15 minutes; that no Senator shall speak more than once or more than 15 minutes.

Mr. FESS. I have no objection.

Mr. BLEASE. Mr. President, does that mean on the entire proposition? Suppose a Senator wanted to speak on the proposition itself, and then wanted to speak on one of the amendments?

Mr. HEFLIN. He must make his entire remarks in the 15 minutes.

Mr. BLEASE. Then I object. I object to these time limits, any way. I want to say now, while I am on my feet, that I never expect, in any matter in which I am interested, ever again to consent to any unanimous-consent agreement to vote at a specific hour unless it is agreed beforehand that each side of the proposition shall have one-half of the time, and that the Chair or somebody interested on each side shall divide that half. We tried this thing here once before, and we got into confusion. One Senator took the floor and kept it, and we are in pretty good shape to be in the same fix right now.

In matters in which I am not interested I do not propose to make any objection; but in the future I do not propose to agree to any request for unanimous-consent to vote at a specific hour unless there is some agreement as to division of time. I object to this proposition now for the same reason.

Mr. HEFLIN. Mr. President, right in that connection, if the Senator from Ohio will permit me, I desire to state that 16 hours have been consumed by the opponents of this concurrent resolution, and about three and one-half hours by those who favor it. We who favor it are making the proposition now to limit debate, and I suggest to my friend from South Carolina that we have not had even half or anything like half the time.

Mr. BLEASE. It is already limited to 3.30, as I understand. Let the Senator take the floor and keep it. I have no objection.

Mr. HEFLIN. I do not want to do that. It would not be fair to other Senators.

Mr. BLEASE. I am not going to agree to cut off Senators who are not here. I understand that it is their duty to be here, but a lot of them are not here.

Mr. HEFLIN. I have no desire to cut off those who would like to speak. I desire to be heard in the latter part of the debate for 15 minutes; that is all.

Mr. FESS. Mr. President, I will not detain the Senate more than 10 minutes. I simply want to make a statement of the situation as it appears to me.

The first time the Muscle Shoals proposition was given prominence in the Congress was back in 1889. In looking over the Record, I find that at that time an appropriation for the development of Muscle Shoals was proposed and put in a bill, but it went out on a point of order. Almost ever since that time there has been more or less interest in the possibilities of the development of that great project.

I have never been in favor of it. In fact, I was convinced that it probably would be an undertaking which would result in the loss of a great amount of money, and in all likelihood would not prove itself of value. But when the war opened and we established the nitrate plant and found ourselves involved, first, to the amount of \$20,000,000, and then in due time to the amount of \$60,000,000, we faced a situation which, in the words of a great Democratic statesman of other days, was not a theory any longer but was a condition. As a Government we have a very large amount of money invested in that great project, to say nothing about the purpose of it. That being so, the only alternative, it seems to me, is now either to use it or junk it, and I doubt whether anyone would think it would be wise to junk a proposition in which we have spent so much money. I have heard persons say they were willing to junk it rather than to undertake the running of it by the Government; but I doubt whether that is a sincere statement.

The truth about the matter is that we have the money invested, and I think the alternative of junking it is out of the question. Therefore we must go on with it. It is either go on with it and complete it as a Government proposition, and then operate it as a Government proposition, or sell it if we can find a buyer, or lease it, retaining the title in the Government, but having it operated under the form of a lease, with conditions specified. It was thought we could sell it, and an offer was made by a distinguished business man. When that offer was made, I thought it was rather an unconscionable offer—there was so small an amount of consideration money offered, with such a tremendous value to be conveyed, and I confess that I reacted unfavorably to the sale of it to Henry Ford. Yet the further I went into it, the more I was convinced that even the Henry Ford proposition would be preferable to the Government operating the plant under its own management. But the Ford proposal was withdrawn, and that is out of the question now.

Then, in the last Congress, a proposal was made by the senior Senator from Alabama [Mr. UNDERWOOD], which seemed to be an entirely feasible one, that the authority be given to lease the project, and if we failed to get a lease, then, of course the Government would have to operate it. All sorts of objections were made to that proposal. I supported it, believing that that was the most feasible proposal which had been made up to that time. But we failed in that, and during the discussion the objection to having definite action at that time on the Underwood proposal was met by the suggestion that we appoint a commission to further study the situation, discover the best plan of disposition, and have it reported back to the Congress. There was some objection to that. During the discussion I noted that while certain Senators felt that it was an executive proposition, others felt that it was giving too much power to the President, and there was considerable opposition from that angle.

Now, we have a new proposal, different from anything we have had heretofore. Instead of having a joint resolution or a bill, which would have to be signed by the President, we have before us a concurrent resolution, which does not require the President's signature, and that is to insure that there will be a report back to the Congress, and the charge that the President is all ready with a bidder in mind, with his mind made up, would fall. Yet I have been somewhat astonished to hear certain utterances on the floor of the Senate to the effect that we are now trying to get away from the President his proper responsibility to take the initiative. The truth about the matter is that there is an effort to make the best possible disposition of this tremendously important project, in which we have so much money already expended, to make the best possible proposal to get a definite policy upon it, and it seems to me that this is the most feasible proposal that has yet been made, even more feasible than the one we failed to adopt at the last session.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. FESS. In just a moment. I am inclined to believe, after studying it up one side and down the other, that the thing to do is to pass this resolution without any amendment whatever and give it effect as a concurrent resolution. Then the committee will come back to the Congress with whatever proposal they have, and, as a responsible officer said to me the other day, we will have the whole thing to go over again. This does not dispose of it, but this does offer a way for a specific proposition to be adopted or rejected, and if we fail in leasing the plant—and I hope we will not, under proper conditions, of course—then let the Government go on and operate it as a Government project. That would be, from my standpoint, the last resort. I do not want to have the Government do that, but I would rather have the Government do that than to junk the plant.

For these reasons, I hope the resolution will be passed just as it has been introduced.

I now yield to the Senator from New York.

Mr. COPELAND. Mr. President, the distinguished Senator from Ohio is a strict constructionist, if I recall correctly. What has he to say to the clause in the original act, when this was provided for in 1916, where it was provided that—

the plant or plants provided for under this act shall be constructed and operated solely by the Government, and not in conjunction with any other industry or enterprise carried on by private capital.

My question is, in view of the fact that that language was used in the original act and is really a part of our contract with the people of the United States, does not the Senator think that we are under obligations to operate this plant as a Government plant?

Mr. HARRISON. Mr. President, will the Senator from Ohio yield while I submit a request for unanimous consent?

Mr. FESS. I yield.

Mr. HARRISON. I submit the request that, after the Senator from Ohio shall have concluded, no Senator may speak longer than 15 minutes or more than once up to 3.30 o'clock to-day, which, I understand, is the hour when the vote is to be taken.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FESS. In reply to the Senator from New York—

Mr. COPELAND. Just one moment. I have not quite finished my question.

Mr. FESS. I yield.

Mr. COPELAND. Are we not under obligation to the people of the country, in view of this clause in the original act, to operate the plant under Government auspices, certainly until the Government has demonstrated what should be the ultimate disposition of the property?

Mr. FESS. Replying to the Senator, I would remind him that when the first appropriation was made it was on the basis of national defense. It was to build a plant to produce a certain product, and that was to be primarily for defense, at a time when the war was raging in Europe, and we were quite certain that we could not stay out of it. That is the reason why Congress yielded to a thing which up to that time, year after year, it had declined to enter upon, and, as I stated before, that opened the door. One appropriation after another was made until we had gone from the \$20,000,000 to away beyond \$100,000,000. So we announced what the purpose was in the national defense act, to wipe out much of the prejudice which had up to that time opposed the Government doing this sort of thing. It was to remove any sort of suspicion that the Government was doing anything more than to take care of national defense.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. FESS. I yield.

Mr. NORRIS. That provision was put in the original act.

Mr. FESS. Yes; so I understand.

Mr. NORRIS. That provision was in the act before we appropriated any money. It has been the standing law for the appropriation of every dollar we have ever spent since. Having acted on that principle all these years, and taken \$150,000,000 of the people's money on that expressly stated condition, does not the Senator think that now, when we have the project completed and the people's money spent, it is at least quasi bad faith to give the plant away to somebody?

Mr. FESS. Of course, the Senator from Nebraska knows it is not. Whatever we might have done in one Congress, a succeeding Congress could amend the policy or amend the law.

Mr. NORRIS. Would it not have been good faith on our part, if we were going to amend it, to have amended it immediately when we made these appropriations?

Mr. FESS. Very likely we could not have amended it at that time, because of the strength that was back of the Government operation and the ownership policy, as is the case now. That is the difficulty right at this moment. I do not care what Senators' phraseology may be, this is a contest between Government-operation people, with whatever coloring might be used to camouflage their position, and the people who believe in private enterprise, and if at one time we decided, as the only thing we could do, that it was Government operation, we certainly can change it to a different policy later on. Or if it at one time was a lease, we can change that in a subsequent Congress to the Government-operation plan. Certainly a prior Congress can not bind this Congress to anything, and these Senators know that. That is the most fundamental thing that we have in legislation.

Mr. LENROOT. Mr. President, may I suggest to the Senator that when the original act was passed it was assumed that the fixation of nitrogen from the air would be an unqualified success and that this power was required for that purpose. The conditions have greatly changed.

Mr. FESS. That would be another conclusive reason why the policy should be modified.

Now, in the interest of others who want to speak, I shall conclude. I just wanted to make a bare statement of the situation as it appears to me. I shall not only vote for the concurrent resolution, but I am inclined to vote against any amendment that is offered.

Mr. COPELAND. Mr. President, I shall not detain the Senate long, but I did want to ask the Senator from Ohio another question or two. He says this is a contest between those who believe in Government ownership and operation and those who do not. I do not think that is quite fair. We have made a tremendous investment in this property, \$167,000,000.

We did it under the specific pledge to the people, as I see it, in the clause which we find in the original act. I do not believe the people in the country would have been satisfied to put this tremendous amount of money into the project even under the conditions which prevailed then if it had been thought that the property would be ultimately turned over to private interests. It is my position that the Government has not yet demonstrated what should be done with Muscle Shoals, and I am utterly unwilling myself to vote to turn this tremendous project over to private interests until that determination has been made.

It is not, as the Senator from Ohio [Mr. Fess] suggested, a contest between those who favor public ownership and operation and those who believe in private ownership. It is a matter of keeping faith with the American people in this particular project. It has no relation to the general question of public versus private ownership. I do not believe that we should hastily and inconsiderately take a step to-day which would take away from the people of the country their great

investment in this great power with its undeveloped possibilities, because we do not know what its possibilities are. We do not know what will be the ultimate use of Muscle Shoals. It is safer for us, as I see it, to keep the property in our possession until that determination is made. Therefore, so far as I am concerned, I am in opposition to the concurrent resolution.

Mr. SMITH. Mr. President, I do not know but that it would be wiser to let the joint resolution which I am about to introduce lie over until such time as some disposition shall be made of the pending concurrent resolution. My first impulse was to ask for a vote on the joint resolution, but I feel that it really constitutes the agriculturalists' bill for Muscle Shoals that goes somewhat beyond the Power Trust, the Fertilizer Trust, and I want this to stand as the bid of the agricultural interests of the country. They have only one organization that is a national organization that is permanent, and it is the Agricultural Department. In behalf of the farmers of the country I want to have the joint resolution stand in the nature of a bid. I shall decide before the vote is taken on the pending concurrent resolution whether I shall ask for a vote on the joint resolution at this time or whether I shall wait until such time as the concurrent resolution is disposed of.

I now introduce the joint resolution and ask that it may be read.

The VICE PRESIDENT. The clerk will read as requested.

The joint resolution (S. J. Res. 68) to provide for the maintenance and operation of the nitrate and power properties of the United States at Muscle Shoals, Ala., and for other purposes, was read the first time by its title and the second time at length, as follows:

Whereas under section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, it is provided that "The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital"; and

Whereas the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala. (excepting nitrate plant No. 2), were acquired and constructed pursuant to the authorization contained in section 124 of such act of June 3, 1916; and

Whereas it is for the best interests of the people of the United States that such properties (including nitrate plant No. 2) shall continue to be maintained and operated by the Government and dedicated to the uses specified in section 124 of such act of June 3, 1916: Therefore be it

Resolved, etc., That all the functions vested in the President by section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916 (including such of those functions as are now being exercised by the Secretary of War and the Secretary of Agriculture, respectively), and all functions with respect to the operation and maintenance of nitrate plant No. 2, shall be exercised by the Secretary of Agriculture for the benefit of the Government and people of the United States by providing for the national defense by insuring an adequate supply of nitrates for use in time of war, and by promoting agriculture through the development of cheaper commercial fertilizers.

SEC. 2. That in carrying out the provisions of this resolution the Secretary of Agriculture is authorized and directed to form, under the laws of the District of Columbia, a corporation for the maintenance and operation of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., and for the development of such additional facilities as the corporation considers necessary. The total capital stock of the corporation shall not exceed \$20,000,000. The Secretary of Agriculture may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of such corporation and perform all other functions with respect thereto necessary to protect the interests of the United States and to carry out the purposes of this resolution.

SEC. 3. (a) That any excess power developed in the operation of such properties may be disposed of under such terms and conditions as the corporation may prescribe to any State or political subdivision thereof, or to any individual, partnership, association, or corporation.

(b) The corporation shall give preference in the disposition of such excess power to the power requirements of States, political subdivisions of States, and public-service companies.

SEC. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000,000, or so much thereof as may be necessary, to carry out the provisions of this resolution.

Mr. SMITH. I ask that the joint resolution may lie on the table.

The VICE PRESIDENT. It will lie on the table.

Mr. SMITH. Mr. President, I merely want to explain that the general provision of the joint resolution is practically that of the bill which is now pending before the Committee on Agriculture and Forestry. It is a dedication of the property to the agricultural interests of the country directly and alone, not through the intermediary of any private corporation, any power company, any dual power and fertilizer company, but a direct continuous sequence of what is contained in the original act which is now upon the statute books. It is for the Government, now that it has completed the property to the point where its actual operation can be carried on, to carry it on solely in the interest of agriculture during times of peace and for the defense of the country during times of war.

My idea as contained in the joint resolution is that the corporation formed under authorization of law, if it shall sell power, shall devote the proceeds from that power, without any further expense to the taxpayers of the country, to the development of the processes of fixing nitrogen and manufacturing other ingredients. The units now are being rented at a thousand dollars a day. We have eight of those units for the primary power and four or six—I do not just recall which—for the secondary power, which means that in all probability there will be, during the experimental stage of the process, quite a large amount of power that will be sold. The proceeds from that sale naturally ought to be used in conjunction with the erection of a proper plant for experimentation and for the production of this necessary ingredient. It seems to me that is the happiest combination that could be conceived of, that we have developed sufficient power down there to carry on not only the experimentation but to pay its way, and subsequently when we shall have developed and standardized the method of producing fertilizer for the farmers the income will be sufficient in perpetuity to produce it at a very low figure. As the art is more perfected the output will be greater and the income will necessarily be greater, and we will know beyond cavil whether or not this very hopeful project shall be carried out in all of its details for the benefit of agriculture.

We can not do that if we lease the property. No man leasing the property will do the dead work necessary to perfect the processes upon which all agriculture is dependent. If he should do so, the processes will immediately be patented and all competitors are shut off from those patented processes, and the prices will be all that the trade will bear. We all know that to be the fact. But if the Government discovers, as it apparently has discovered, a cheap process, immediately every agricultural citizen will be the beneficiary. All of the incentive of the Government will be to perfect that for which the plant was set apart and dedicated.

I can not understand the reason for the clamor that we should call for a bid. It would have been all right perhaps for those who do not believe in Government operation even in any department of our economic life, it would have been all right for them when this matter was before the Senate, had they prevailed, to say before we spent a dollar at Muscle Shoals, "Let us give our plans and specifications to a private corporation and ask them to bid on constructing the dams and locks necessary to produce this power, and let the lowest bidder called carry on the project for specific purposes." But we did not do that. That plan was offered to the Senate at one time. The distinguished senior Senator from Alabama [Mr. UNDERWOOD] offered that identical amendment to the bill that I had the privilege of introducing, and it was voted down. He offered different amendments looking toward private capital coming in and developing a part of the project, but they were all voted down. In order that there might be no misunderstanding as to what it meant, the Congress put the provision in the law that this should be done by the Government alone to the exclusion of all private enterprise. Ten years have gone by.

We have added and added until at last the power is there and the plant is there. It needs but the proper officering to enable us immediately to go to the production of this ingredient. Now at the very birth of possibility it is proposed to turn it over to a private corporation on the iniquitous plan of cost-plus. There is no man in the Senate who has not been the victim, if he be a taxpayer, of that miserable cost-plus system.

Of course, the greater the cost the greater the volume of the percentage. The percentage does not rise, but the aggregate under that percentage rises. The man who buys it pays it all. The mere idea of leaving the private corporation to audit its own books, to determine what was essential and what was not essential, what was proper to be charged off as depletion, obsolescence, and the thousand and one other things that it may do, and, of course, will do, and then on top of that

to add 8 per cent, simply means saying to the farmers of the country "We do not propose to stand between you and those who would, perhaps indifferently, manufacture some of this fertilizer but manufacture it for profit to them without regard to what effect it may ultimately have upon the possibility of supplying you."

Mr. President, I shall offer that joint resolution as the farmers' measure as against the corporations and trusts and combines that may offer one.

One last word and then I do not propose to have anything more to say until the vote is taken. We talk about Government ownership. We own this plant now. We own the navigable rights by inheritance and the Constitution. We went out and bought the riparian rights and the adjoining property for a distinct purpose. We condemned the land; we acquired it; we received gifts; and all this vast property contiguous to this dam was bought by the American people for a distinct purpose. We own it now. The only question is who shall operate it and for what purpose shall it be operated.

Senators here who are claiming they are against Government ownership voted to appropriate the money to purchase Muscle Shoals. It was purchased for a specific purpose. This resolution does not in any way, shape, or form change that purpose. We have a door where we can open up to the American farmer great possibilities if we shall not do anything else. In the name of justice and reason, let us carry on until we shall know exactly what are the possibilities of producing fertilizer at Muscle Shoals. If after a proper time shall have passed, with our own Government officials working as assiduously as they have worked in our research laboratory, they shall say the prospect is hopeless, then we may come here and discuss the question as to whether or not we shall lease the plant for power purposes.

I, for one, do not believe that we should lease it for power purposes until we shall have operated it sufficiently long to know what would be a just return for the privilege to be conferred. How many Senators on this floor know exactly what would be a reasonable charge for this essential power that must some time take the place of coal? No more coal is being made. Power must take the place of gas, for no more gas is being generated in the earth; it must take the place of oil, for no more petroleum is being produced by nature's processes; the source is being exhausted every day. The time will come—it is rapidly approaching—when we shall have to depend upon hydroelectric power to do the great mass of work in America. We ought to know—it is our duty to know—just who are going to control that power, for what purpose, and what is to be the cost. We are at the parting of the ways. Organized society is based upon entirely different conditions from those which prevailed when the Constitution was written, and you and I, Mr. President, have got to meet those changing conditions. They are here now, and we have got to meet them. It is better for us to meet them in their incipency than to wait until entrenched power has placed itself in a position to dictate to the American people life or death, as did the coal barons a few weeks ago. We had better enact the proper legislation now than later to perform a major operation to cut the arteries that bind these trusts and combinations to these essential industries. There can be no happier time than now for us to demonstrate to the American people what they have at Muscle Shoals and what are the possibilities in the terms of Government development and operation.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McLean	Shipstead
Bayard	Fess	McMaster	Shortridge
Bingham	Fletcher	McNary	Simmons
Blease	Frazier	Mayfield	Smith
Borah	George	Means	Smoot
Bratton	Glass	Metcalf	Stanfield
Brookhart	Goff	Neely	Stephens
Broussard	Gooding	Norbeck	Swanson
Butler	Greene	Norris	Trammell
Cameron	Hale	Nye	Tyson
Capper	Harrell	Oddie	Wadsworth
Caraway	Harris	Overman	Walsh
Copeland	Harrison	Pepper	Warren
Coutzens	Heflin	Philpps	Watson
Cummins	Howell	Pine	Weller
Dale	Johnson	Pittman	Wheeler
Deneen	Jones, N. Mex.	Robinson, Ark.	Williams
Dill	Jones, Wash.	Robinson, Ind.	Willis
Edge	Kendrick	Sackett	
Edwards	La Follette	Schall	
Ernst	Lenroot	Sheppard	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

Mr. TYSON. Mr. President, I have a telegram from my colleague, the senior Senator from Tennessee [Mr. McKellar], which I should like to read into the RECORD. It is as follows:

MEMPHIS, TENN., March 8, 1926.

Hon. L. D. TYSON,

United States Senate, Washington, D. C.:

I am paired with Senator WILLIS on all Muscle Shoals votes. Senator WILLIS told me he was opposed to any amendments. I favor all amendments offered by those who seek in any way, however slight, to protect the rights of the people and of the Government. He favors the resolution as it is, and I am unalterably opposed to it in any form without in the slightest degree impugning the motives of any Senator favoring it. I regard the resolution as the first step in a proposed sacrifice of the Government's property and of the people's interests, equaling in enormity and in wickedness the sacrifices of the people's rights and property in the unsavory oil leases. Please read this telegram in the RECORD before the voting begins.

KENNETH MCKELLAR.

The VICE PRESIDENT. The question is on the amendment offered by the junior Senator from Arkansas [Mr. CARAWAY].

Mr. WALSH. Mr. President, I ask that the amendment may be stated.

The VICE PRESIDENT. The Clerk will read the amendment.

The CHIEF CLERK. On page 1, line 10, after the word "lease," it is proposed to insert the words "or leases," so as to read:

The committee is authorized and directed to conduct negotiations for a lease or leases of the nitrate and power properties—

And so forth.

Mr. CARAWAY. On that amendment I ask for the yeas and nays.

Mr. HEFLIN. Mr. President, I wish the Senate thoroughly to understand what the issue here is. The Senator from Ohio [Mr. Fess] has just stated it, but some of the Senators were not then present. It is a question of Government operation; it is a question of putting the Government into competition with the private citizen. It is a question of turning this plant over to some private citizen and letting him pay the Government, for its use in making fertilizer for the farmer, more money in 50 years than the whole project cost. If we dispose of it in a lease and require fertilizer to be made, we will have accomplished two things of distinct benefit to our people—the making of cheap fertilizer for the farmer and the making of the Tennessee River at Muscle Shoals navigable for 25 miles.

Now, I want to remind the Senators that if they shall load this resolution down with amendments, they are deliberately taking the risk of forcing a deadlock between the two Houses in conference. I do not want that situation to arise. The House has gone on record, I believe twice, in favor of the McKenzie bill, which embodied the Ford offer. The House passed the pending resolution, which is based on the Ford offer, by a vote of 9 to 1. This particular plan for disposing of Muscle Shoals has become a fixed policy with the House. Mr. President, this resolution was introduced in the House by one of the ablest of the Republican leaders, Mr. MADDEN, of Illinois, who made a speech in favor of it that has not been answered and, in my judgment, can not be answered. Mr. FINIS J. GARRETT, the able minority leader of the House, and Mr. SNELL, a man of marked ability and chairman of the Committee on Rules of the House, agreed in the detail upon this resolution. The Senate in the last three years has voted for and has adopted three different and distinctly opposite plans for the disposition of Muscle Shoals. The House has consistently stood by the plan known as the Ford bid in the McKenzie bill. The President indorses this resolution as it passed the House. The farmers of the country are for the resolution as it now stands—unamended.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. HEFLIN. I am sorry; I can not yield; I have only 15 minutes in all. Those here who sincerely supported the Ford offer which promised cheap fertilizer for the farmer are anxious to have bids made in keeping with the Ford offer. If the bids are not acceptable, they can be rejected by the Congress. If the Senate or the House want to amend the bid, if the bidder will consent to it, it can be done even when the report comes back; but any amendment to the concurrent resolution may throw us hopelessly into deadlock, which might result in defeating legislation upon this question at this session of Congress.

Mr. President, some Senators are trying to amend the resolution by providing for what they call an equitable distribution of surplus power among several Southern States. In the first place, who would determine what is an equitable distribution? If these States were bidding for Muscle Shoals, seeking to lease it and each one should pay its pro rata share, then it would be right for the Government to say that each one should have his fair share of the power; but if a private citizen is going to bid and he is going to put his own money up and pay the Government for the use of the power, he ought to have something to say about what he will do with that other power after he complies with the Government's requirement to produce at least 40,000 tons of fixed nitrogen a year, for it will be remembered that this whole project was started as a measure for national defense—nitrates for the Government in time of war and fertilizer for the farmer in time of peace.

Suppose we put on this amendment providing for what they call equitable distribution of surplus power, and a fertilizer manufacturer leases Muscle Shoals. We are going to require him to put up transmission lines and sell electricity whether he desires to do so or not. The laws of the various States will not permit parallel transmission lines anywhere, and the lines are already established in that territory in my State. They are using them now. The Alabama Power Co. has its lines there.

This company would not be permitted to parallel those lines. Then what situation would you have this man in who is going to deliver the Nation and the farmers of the country from dependence upon the Chilean nitrate trust? He would say: "I can not distribute this power. I am not permitted to put up transmission lines alongside of those already established." And he would say, "You are going to compel me to sell, whether it is profitable or not, any power that I may not use in making fertilizer, and therefore you are going to make it more difficult for me to make fertilizer as cheaply as I could and would if not hampered with such restrictions." Then what would happen? Being unable to establish his own transmission lines, and therefore unable to transmit and retail his surplus power, he would be compelled to sell it in bulk at whatever price some power company was willing to pay.

He might have to sell it so cheaply that it would make his whole enterprise unprofitable, and, of course, that would result in tremendous injury to the farmers that so many Senators seem to have forgotten.

That is not all, Mr. President. President Coolidge in his messages has twice asked Congress to lease this plant or dispose of it some way to some private individual. If we fail at this session of Congress, I want Senators to be notified in time as to what may happen if we fail to lease this property. We may by our do-nothing policy cause the President to feel that he should dispose of this Muscle Shoals property during the recess. He has already given us two chances. He has recommended twice in his messages that we lease it, and he now indorses this resolution. He again asks Congress to go ahead and lease it.

Suppose we fail, and continue to differ and wrangle over the details of the plan here proposed and Congress adjourns with nothing done. Then the President may feel that he must do something with it, and what will he do with it? I confess that I do not know. He may lease it to somebody—but listen, Senators—if he can not lease it, he may sell it. I am not sure but that he has the power to sell it under section 124 of the national defense act. We ought not to be responsible for such a situation.

The Gorgas power plant in my State was sold. Somebody wanted to buy it. Congress had failed to dispose of it. It was tied up with and dragging along in the Ford offer. The Gorgas plant was a part of the Muscle Shoals project. It was sold. Why? Because Congress had at least failed to do anything with it.

Now, Senators, I want to appeal to you—especially you on this side who have heretofore favored making cheap fertilizer for the farmer. You have it in your power now to do that very thing. The opportunity is right before you. If this concurrent resolution passes, and we succeed in doing what we think we can do, it will save to the farmers of the State of North Carolina \$18,500,000 a year; it will save to Alabama \$10,000,000, and to the cotton-growing States nearly \$200,000,000 a year, and will save a great deal to the other sections. I want to sound this note of warning before my time expires.

If this measure is amended, and it goes to conference, and the House refuses to recede, and this measure dies, then what? The President may say, "You have had six years in which to obtain a lease on this property. You have failed or declined to do it. Now I feel that I must dispose of it as best I can."

Mr. President, I make this last appeal, especially to the two Senators on this side who so ably and persistently supported the Ford offer. I mean the Senator from Arkansas [Mr. CRAWLEY] and the Senator from South Carolina [Mr. SMITH]. They joined with me and others in making a minority report in favor of the Ford offer, which above all things required the making of cheap fertilizer for the farmer. Then cheap fertilizer for the farmer was the paramount thing, the thing uppermost in their minds, not the distribution of power; and that report which had their hearty approval and bears the names of both of them, contains this statement:

As for distribution of power under the Ford proposal, we are convinced that since the production of fertilizer is the purpose of the development in time of peace, it is not a matter of importance whether power is distributed from this plant or not.

Remember, Senators, this resolution is based on the Ford proposal.

I put this proposition to the Senators: These Senators who fight now to put power distribution in the concurrent resolution are doing so at the risk of losing this great opportunity to provide cheap fertilizer to our farmers, for in going off after the power side of this question they are depriving the farmer of the only chance that he has ever had to get cheap fertilizer to use on his farm. I am hoping that this resolution will not be loaded down with amendments that mean its defeat. Let the bids be made and reported. Then if Congress does not want to accept the bids, let Congress reject them all; but do not let us permit the Power Trust and the Fertilizer Trust to prevent action at this session of Congress.

The American farmer is entitled to his day in court, especially when the only opportunity that has come to save him many millions of dollars a year is at hand. His friends here should not permit a power proposition to overshadow and obscure the matter of cheap fertilizer for the farmer. The Ford bid provided cheap fertilizer. The lessee under this resolution will have to make cheap fertilizer just as Ford agreed to make it. We will have the right to pass on it and accept or reject it. Mr. Hooker, of New York, a fertilizer manufacturer, said before the Committee on Agriculture that he was going to bid on it. Another company said the same thing, and I understand that four or five companies told the President's commission that they intended to bid. So let us wait and see what their bids are, and if they are not good we will reject them; but, Senators, in the name of the hard-pressed and over-burdened farmers of the country I appeal to you let us pass this concurrent resolution as they have indorsed it, and make sure that we will dispose of this question at this session of Congress.

Mr. NORRIS. Mr. President, I had intended to go into this question in considerable detail, but it has been a physical impossibility for me to do so, and I must content myself by referring only in a general way to the very important question that is before the Senate.

The Government has spent at Muscle Shoals more than \$160,000,000. It owns the property now. It is not a question of whether we shall go into Government operation or Government ownership. We already own the property. We have spent the people's money upon it. We have spent it under a law originally passed providing that when it was completed it should not be leased or sold to any private corporation or individual. We are the trustees for the people of the United States, and the question now before us is: Will we, having spent their money and completed the project, to a great extent, now be false to the trust and violate the law by changing the conditions under which we have been operating since 1916?

Dam No. 2 at Muscle Shoals has primary capacity of a little less than 100,000 horsepower, yet there are seasons in the year when there is water enough coming over that dam to make a million horsepower. Every student of the subject, every engineer, agrees that if we had no other motive than to make the property now owned by the Government more valuable, it would be necessary to develop the Tennessee River and its tributaries.

Every student of the subject, every economist, and every engineer agrees that to get the maximum amount of electricity, the maximum amount of flood control, the maximum accommodations for navigation, the system must be developed as a whole and that we can not build dams here and there haphazard, even though we consider that the people interested in one dam alone would make more money by putting it there than elsewhere. The way to make the Tennessee River valuable for the great South is to get the maximum amount of navigation. That river runs right through the heart of the South. It will give the South a system of transportation which, properly developed, will be second to none in the civil-

lized world. We will get the maximum amount of flood control, as far as the waters of the Tennessee are concerned, by a systematic, scientific development as a whole of the Tennessee River and its tributaries.

So that we have the three objects of improvement, coordinating, working with each other in perfect harmony—electricity or power, navigation, flood control. If we handle one in the right way, we will have done the best for the others. Flood control and navigation are admitted to be Government propositions, not private propositions. It is a Government activity, and since the Government already owns \$160,000,000 worth of property there, why not let the Government, it being interested in navigation and in flood control, so develop the power from this system as to get the maximum amount of power for the minimum cost?

No one can do that and do it in the right way except the Government. If we should turn that over to one party, he would pay no attention to flood control, he would pay no attention to navigation, he would put dams and water projects wherever it would be to his interest to put them and without regard to developing the river as a whole. If we want to get the most out of it, we must develop it all.

Dam No. 2 is owned by the Government of the United States. If that system were properly developed, instead of 100,000 primary horsepower there would be four or five hundred thousand horsepower developed. In other words, without putting another dollar into Dam No. 2, we would multiply its value by three or four, if we properly developed the river. What would that mean for the South? In the first place, it is a Government proposition now. We have spent the people's money to develop it. In the next place, everything that is spent in the future for navigation and for flood control will be spent on what is conceded to be a governmental proposition. If this were turned over to one private individual and he owned the whole system, if it were developed properly, there would be a private monopoly under which the people of the South would be compelled to live through generations, and no free people, no democracy, can permit a private monopoly to control the very necessities of life.

If this were properly handled and this electricity distributed over the South, there would be given the greatest exhibition of the production of cheap power the civilized world has ever known. Instead of paying in the cities of the South from 7½ to 12 cents per kilowatt-hour for electricity, every home in that great section of the South would be supplied with electricity at not to exceed 2 cents a kilowatt-hour when the power was all developed. In addition to that, at that price there could be an amortization, so that in 40 of 50 years' time the entire investment cost would be wiped out, and electricity would be so cheap that that would be the leading manufacturing district in the United States, besides giving to every home and every hamlet electricity that would be so cheap that as compared with present prices it would require a stretch of the imagination to grasp all of the benefits that would come.

Mr. FLETCHER. Mr. President—

Mr. NORRIS. I would prefer not to be interrupted until I finish.

There would be placed in every home a servant, a servant that would work 24 hours a day, a servant that would never complain, a servant that would get no wages, a servant that would always be ready to serve the housewife of every home.

Who made this country? Who made the hills and mountains and valleys? Who put the water in the great Tennessee? Who constructed all of that country? Was it Alabama? Was it Tennessee? Was it any other one State? All those things were given to us by an all-wise Creator if we will only utilize them. Let us take away the power of private corporations and private individuals to make profits, and let us put electricity in the homes the same as we put water into the homes now in all of the municipalities. If we should properly develop this project, we would tap this lightning that man has called electricity and convert its destructive and ruthless forces into a friendly power that would turn the countless wheels of toil all through the South and bring happiness and comfort to thousands of humble homes.

It has been demonstrated, and if I had the physical strength and time I could demonstrate it again now, that over in Ontario on a large scale, like this would be at Muscle Shoals if properly developed, they are doing exactly what I have outlined that the South could do. A little home of five or six rooms, instead of having a few electric lights for which they have to pay 10 or 12 cents a kilowatt-hour, would have every electrical device known and at a remarkably low rate. It would have all the conveniences of the modern home. It would have the electric sweeper, the electric fan, the electric washer, the electric ironer, the electric stove. Everyone would

be cooking by electricity. They would heat the bath water and have hot water at all times heated by electricity. In other words, there are a thousand and one ways in which cheap electricity can bring not only financial profit but happiness, sanitation, and joy to the people in the homes where the housewife now is drudging from morning to night wearing out her life, and she might just as well be relieved if we would avail ourselves of the opportunities that God has given us.

What is the objection to all this? Senators say we are going to put the Government into business. Senators, if we had a war to-morrow we would need all of the property that we now have at Muscle Shoals, every bit of it. We would want more. The plan I have been trying to get the South to reach out its hands and grasp has been and is one that would preserve for the Nation its readiness for any military emergency that might arise, and at the same time, in times of peace, give all of these enjoyments to her people.

We have heard Senators talk about fertilizer. Mr. President, the evidence stands uncontradicted before the world to-day that the manufacture of fertilizer consumes, as it is improved, less and less power. There is not a single horsepower at Muscle Shoals that would be used in the modern method of producing fertilizer.

The statements about using water power to make cheap fertilizer for the farmer are made either in ignorance of what the facts are or for the purpose of fooling the American farmer and deceiving him as to what the possibilities are at Muscle Shoals. There is nothing in fertilizer that the waterpower there can produce as cheaply as we can buy fertilizer on the market to-day anywhere in the United States. Everybody, and that includes myself, is willing to go to any length to cheapen fertilizer. The bill which I have introduced goes further than any legislation that has ever been proposed. Its purpose is to use in experimentation all of the facilities that are properly usable for fertilizer at Muscle Shoals, in the hope that we may devise a cheaper method to develop fertilizer.

Why should we want to deceive the farmer? Why do we want to tell him that this water power at Muscle Shoals will cheapen fertilizer when we must know it has not anything to do with it? Either we are trying to fool the farmers with deceptive arguments or we are working in the interest of the Power Trust, who would like to have this power kept out of the market and used to make nitrates that would be worthless after they are made.

I can not understand why Senators should be so anxious to pass the pending resolution, which will close the door of human progress and human happiness to the sunny southland. Why should we now take a step which, if carried to its logical and its intended conclusion, will make it impossible for the great Tennessee River system ever to be developed and put in operation for the benefit of the people of the South? The time will come—it may be when we are gone—when this wonderful wave of reaction will subside and when the good, honest citizens of our great South will realize that now is the time when they have missed the glorious opportunity to bring to themselves and to their children the prosperity, the happiness, and the comfort that will follow the proper development of the natural resources which God has given them.

The VICE PRESIDENT. The time of the Senator from Nebraska has expired.

Mr. WILLIS. Mr. President, a few moments ago the junior Senator from Tennessee [Mr. TYSON] read into the RECORD a telegram from my friend the senior Senator from Tennessee [Mr. McKELLAR], with whom I am paired, in explanation of the arrangement we had between us. I know the senior Senator from Tennessee so well, and am so confident of his entire fairness to friend and foe alike, that I am sure he did not intentionally do me an injustice, though I think in his desire to make his own position clear he has done so. I desire to correct that wrong impression.

The telegram in part reads as follows:

I am paired with Senator WILLIS on all Muscle Shoals votes. Senator WILLIS told me he was opposed to any amendments. I favor all amendments offered by those who seek in any way, however slight, to protect the rights of the people and of the Government. He favors the resolution as it is.

So far as the statement relating to the pair is concerned, that is absolutely accurate; but, as I suggested, in his effort to make his own position clear he has unintentionally and thoughtlessly put me in a false light. The fact is there are many things in the resolution that do not please me at all. If I had had the drafting of the resolution in the first instance, there are several changes that I should have made in it, and, speaking with the utmost frankness, there are several of the

amendments which are pending that I wish might become a part of the resolution. But knowing the little that I do of the parliamentary situation, I am strongly of the belief that if the resolution is amended it will be the end of the whole matter so far as action by Congress is concerned. The matter would then go back to another legislative body and perhaps be thrown into conference and action could be delayed indefinitely. I think it is important that we have the report of the committee at this session of Congress.

I reserve to myself the right to vote for or against the report of the committee. I do not consider myself at all bound in that respect. By adopting the resolution in its present form the Senate, in my judgment, does not yield up any of its rights, but simply provides a means whereby it can get some information. It is because I feel that the adoption of amendments would imperil the passage of any resolution whatever that I shall vote, as the telegram says, against the amendments, but not for the reason that my friend from Tennessee suggested in his effort to make his own position clear.

In that connection I desire to have printed as a portion of my remarks a letter which came to me this morning from officials of the National Grange and of the American Farm Bureau Federation.

The VICE PRESIDENT. Without objection, permission is granted.

The letter is as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, D. C., March 8, 1928.

HON. FRANK B. WILLIS,

Senate Office Building, Washington, D. C.

MY DEAR SENATOR: To-day the vote is to be taken on House Concurrent Resolution No. 4, which authorizes a procedure intended to remove Muscle Shoals from the field of controversy and devote it to the farmers' purposes when not needed for national defense.

Muscle Shoals was not intended to be a commercial power project, except as its power is useful for fertilizer making and preparedness purposes. To allow it to become a power project, with the aim of distributing power over a wide area, is equivalent to the surrender by Congress of all that the farmers have fought for and all that was promised them in the authorization of the enterprise.

The power at Muscle Shoals once delivered to the Alabama Power Co. or other distributing agencies for public-utility purposes will create vested rights on the part of consumers which will jeopardize the farmers' rights to use this power for fertilizer purposes.

With the millions of horsepower of electric energy already developed and the scores of millions of horsepower awaiting development, will not you vote to allow this one plant producing less than one-quarter of 1,000,000 horsepower to be devoted to the farmers' purposes in industrial chemistry and fertilizer manufacture free from limitation which would impair or destroy the usefulness of the enterprise?

The amendment offered by Senator GEORGE or any other amendment with similar effect will prevent the benefits from going to the farmers and will place the power interests in a dominating position.

We are satisfied that House Concurrent Resolution No. 4 without amendments safeguards the farmers' interests, and trust that it will have your support.

Very respectfully,

THE NATIONAL GRANGE, P. OF H.,
By T. C. ATKESON,
Washington Representative.
AMERICAN FARM BUREAU FEDERATION,
By CHESTER H. GRAY, Acting Director.

Mr. HARRISON obtained the floor.

Mr. GEORGE. Mr. President, will the Senator from Mississippi yield to me a moment?

Mr. HARRISON. With pleasure.

Mr. GEORGE. Since the senior Senator from Ohio [Mr. WILLIS] has offered a letter for the RECORD, which I presume to be the same letter that was sent by the National Grange and the American Farm Bureau Federation to each Senator in this body except myself—I did not get one—I wish to make just a brief statement about the letter.

In the next to the last paragraph, if the letter is the same as the one I hold in my hand, this language occurs:

The amendment offered by Senator GEORGE, or any other amendment with similar effect, will prevent the benefits from going to the farmers and will place the power interests in a dominating position.

That is signed "The National Grange, P. of H., by T. C. Atkeson, Washington representative," and "American Farm Bureau Federation, by Chester H. Gray, acting director."

Mr. President, I offered an amendment to the pending resolution which in substance is the same as the amendment offered by the junior Senator from Arkansas [Mr. CARAWAY]. My

amendment is a little more elaborate and contains a few provisions which his general amendment does not contain. But I had decided, since he had offered his amendment first, and it is the pending amendment, that I would not offer my amendment, but would content myself with voting for his amendment, which contains the substance of my amendment.

I have no comment to make upon the letter of the National Grange and the American Farm Bureau Federation or of the two representatives of those organizations, except that if the National Grange and the American Farm Bureau Federation are paying these men any money, then these men owe it to their organizations to be working for the farmers of America and not for the Power Trust and the Fertilizer Trust. If they are willing to take money out of the farmers' organizations, they ought to be decent enough to render service to their constituents.

Mr. President, my position is perfectly plain. I do not propose to vote for House Concurrent Resolution No. 4, which does not provide for any equitable distribution of power, so far as it can be carried, to all of the people of the Southland. Nor do I propose to vote for the resolution at all, because it is a grab; and every man who sponsors it and who has thoroughly investigated it, however honest he may be, will one day awake to the realization of one fact, that it was a grab, and that somebody exercised the power given him under the grab.

I believe, Mr. President, in coming out in the open. I presume, of course, that since representatives of the farmers' organizations have spoken to the Senate, their voices will be potent; but I only suggest that it might be well for the principals of those gentlemen to see whether they are earning the salary that is being paid to them.

Mr. HARRISON. Mr. President—

Mr. HIEFLIN. Mr. President, I suggest that this time shall not come out of the time of the Senator from Mississippi [Mr. HARRISON].

The VICE PRESIDENT. The time will not be counted out of that of the Senator from Mississippi.

Mr. HARRISON. I do not know that I will utilize the time allotted to me.

Mr. President, the Muscle Shoals matter has been before the Senate for a long time. It so happens that I chanced to be a member of the Committee on Agriculture during the consideration of all the preceding measures. I was one of those who fought in the committee and on the floor of the Senate to accept the Ford proposal. I believed then and I believe now that it would have been better for the development of Muscle Shoals and for the farmers of the country at large if the Ford proposal had been accepted. Following that I championed upon the floor of the Senate the Underwood bill, which was offered as a substitute for the bill embodying the Ford offer. I believed in the provisions of the Underwood bill, and I was, indeed, sorry when the conference report, which was filed after much consideration by very able Senators and Representatives, failed to come to a vote.

I do not see so much in this particular resolution, but it is a step in the solution of this problem, I hope. I trust that the gentlemen who will be appointed to negotiate a lease will have submitted to them and will report back to the Senate and the House of Representatives one that will meet all the requirements of the Underwood substitute, but I wish to call the attention of the Senate again to the fact that the terms of any lease must be equal to or greater than those set forth in H. R. 518 in their advantage to the Government. We know how many times that bill was amended; we know that a substitute was offered to H. R. 518, which was the Ford proposal, and it seems to me that we ought to write into this resolution an amendment to provide that the terms shall be in their benefit to the Government equal to or greater than those contained in the conference report accompanying H. R. 518, for the reason that the conference report contains the provisions that were made in anticipation of a lease.

The conference report was not adopted by the Senate, but the substitute bill passed the Senate; and it would seem to me that such an amendment as I have suggested ought to be adopted, not only because the question was considered in every phase when the bill was before the Senate and in conference but, as was pointed out in the discussion of the Underwood substitute, the Government would have received \$40,000,000 more than it would have received under the Ford proposal. As Senators will recall, at that time Mr. Ford, under the terms of his offer, was not required to pay any interest at all on the first \$17,000,000 that went into the construction of Dam No. 2, and was not to pay any interest on Dam No. 3 until six years—I believe it was—after that dam should have been completed. In other words, there was a difference between the Underwood proposal, which imposed a

4 per cent interest rate from the time the lease was made right on through, while the Ford proposal did not operate on the first \$17,000,000 on Dam No. 2, nor on Dam No. 3 until six years after its completion. So I submit if an amendment should be written into the bill providing that the terms of the lease shall be equal to if not greater than those embodied in the conference report on House bill 518 the Government will be assured of getting at least \$40,000,000 more than it would under the Ford proposal; and if that amendment should be adopted it would not be necessary to adopt the amendment which has been offered by the Senator from Arkansas [Mr. CARAWAY], which I favor very much, and which otherwise I hope will be adopted, because in that conference report it is provided that—

The surplus power not required for the fixation of nitrogen or for the manufacture of fertilizers or other useful products which will reduce the cost of fertilizer shall be sold for distribution.

That provision relative to surplus power was agreed to by the distinguished Senator from Alabama [Mr. UNDERWOOD] and also by the junior Senator from Alabama [Mr. HEFLIN]. There was no question raised at that time in the consideration of the Underwood bill against a provision being written into it that the surplus power over that required to manufacture the 40,000 tons of fixed nitrogen might be incorporated in the bill. It is idle talk to say that we here in the Senate shall not at all amend this House resolution. It is a short resolution at most; it does not contain many complicated questions. So I submit that the amendment offered by the distinguished Senator from Arkansas to incorporate the words "or leases," and also the amendment as to the question of surplus power ought to be written into the resolution. I want to make myself plain now. If the committee to be appointed shall negotiate a lease and report it back here which does not provide for the distribution of surplus power over the amount required in the manufacture of fertilizers, I for one shall vote against that particular proposition.

This is not merely an Alabama question. It is true that Muscle Shoals is within the boundaries of Alabama, but the boundary line of my State is only a few miles away. We border also on Tennessee. Many industries have been located in my State on the assumption that they will be able to obtain a part of the surplus power that is developed at Muscle Shoals over that needed for the manufacture of the required amount of fertilizer.

It seems to me only fair and equitable that the surplus power should be distributed and that it should not be congregated and congested in this one spot at Muscle Shoals.

As one who comes from this immediate territory, I appreciate the splendid work which has been done by the members of the Committee on Agriculture and Forestry. I do not think that any committee has worked harder and more zealously and enthusiastically than have the members of that committee in studying the Muscle Shoals problem. I take no stock in this hurling of anathemas at one another and questioning Senators' motives. From the beginning I have differed from the distinguished Senator from Nebraska [Mr. NORRIS]. He has strong convictions on this subject, but there is no Senator who ever worked harder or tried more earnestly to go to the bottom of the proposition than has he in the consideration of Muscle Shoals. All of the other Republican Senators on the committee have done the same. The junior Senator from Alabama [Mr. HEFLIN] and his colleague, the senior Senator from Alabama [Mr. UNDERWOOD] have performed yeoman service in pressing for a solution of this question.

I know the Senator from Alabama, who has stood the brunt of this fight here so far as this side of the Chamber is concerned, has acted from high and pure motives. We all know he is a friend of the farmer, but he is mistaken; his judgment is wrong, in my opinion, in refusing to accept the amendment which is pending and the one dealing with surplus power. They can not be harmful, but will present the issue so clearly that the negotiators when they come to consider the bids will know what kind of a bid should be received, and the adoption of such amendments might prevent us turning down the report of the committee when the bids are brought in. So I hope that the amendment offered by the distinguished junior Senator from Arkansas [Mr. CARAWAY] will be adopted.

Mr. BLEASE. Mr. President, I notice in the CONGRESSIONAL RECORD a letter from a gentleman who also signs a letter to me in reference to the Senator from Georgia [Mr. GEORGE]. I wish to say that, so far as South Carolina is concerned, the farmers of that State are represented in this body by a farmer. Farming is the life; it is the living of the distinguished senior Senator from South Carolina [Mr. SMITH]. He has never had

any other profession or any other means of livelihood except the small pittance of a salary which is paid him here in the Senate. And the farmers of that State are represented by another who has received but very few votes in South Carolina except from the farmers and the cotton mill and railroad shop workers. Neither of us have ever had that support from the corporations or the newspapers which possibly has been given to others; and when this man signs a letter and sends in to the Senate in which he says he is a representative of the farmers of South Carolina, or in which he intimates that he is such representative, I say to you, Senators, that he is an impostor and that if he has ever received a dollar from the farmers of South Carolina he is a traitor and that his letter in every respect carries and bears the marks of a blatherskite and a liar. [Laughter.]

Mr. NEELY. Mr. President, before the Senator from South Carolina takes his seat I should like to inquire if the gentleman of whom he speaks is all right except in the particulars which he has enumerated?

Mr. BLEASE. Well, Mr. President, there are some things I should like to say about him that I do not think I would be allowed to say here.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HARRISON. Amendments may be offered after 3.30, as I understand, but can not be discussed after that hour.

The VICE PRESIDENT. That is correct.

Mr. HARRISON. I desire, then, to give notice that, in the event the amendment of the Senator from Arkansas [Mr. CARAWAY] as to surplus power shall be voted down, I shall then offer an amendment providing that the terms of any lease shall be as good if not better than those contained in the conference report on House bill 518.

Mr. HEFLIN. Mr. President, the Senator from Arkansas [Mr. CARAWAY] a little while ago got himself confused considerably with regard to the Gorgas plant. The Gorgas plant was sold under war-time legislation authorizing the Secretary of War to dispose of war plants. He did this in the face of the fact that both the Judge Advocate General and the Attorney General had declared that the contract with the Alabama Power Co. was illegal and unenforceable.

The VICE PRESIDENT. The Chair regrets to say that the Senator is out of order. He has already spoken once.

Mr. HEFLIN. I am through, Mr. President. [Laughter.]

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arkansas [Mr. CARAWAY] on which the yeas and nays have been requested. Is the demand seconded?

The yeas and nays were ordered.

Mr. COUZENS. I ask to have the amendment stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 10, after the word "lease," it is proposed to insert the words "or leases," so as to read:

The committee is authorized and directed to conduct negotiations for a lease or leases—

And so forth.

The VICE PRESIDENT. The question is on the amendment just stated. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I transfer that pair to the senior Senator from Rhode Island [Mr. GERRY] and will vote. I vote "yea."

Mr. FERRIS (when his name was called). I have a pair with the Senator from Kansas [Mr. CURTIS]. I am informed that if he were present he would vote "nay." If I were at liberty to vote, I should vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I am advised that he would vote as I shall vote on this subject. I vote "nay."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD], which I transfer to the Senator from Louisiana [Mr. RANDELL] and will vote. I vote "yea."

Mr. NORRIS (when his name was called). I am paired with the senior Senator from Alabama [Mr. UNDERWOOD], who is detained from the Chamber on account of illness. If the Senator from Alabama were present he would vote "nay," and if I were at liberty to vote, I should vote "yea."

Mr. WILLIS (when his name was called). I am paired with the senior Senator from Tennessee [Mr. MCKELLAR]. If that

Senator were present he would vote for this amendment. I transfer that pair to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the Senator from Illinois [Mr. McKINLEY] is paired with the Senator from Maryland [Mr. BRUCE], and the Senator from Massachusetts [Mr. GILLET] is paired with the Senator from Missouri [Mr. REED]. If those Senators were present the Senator from Maryland and the Senator from Massachusetts would vote against this amendment, and the Senator from Illinois and the Senator from Missouri would vote for it.

The result was announced—yeas 47, nays 31, as follows:

YEAS—47			
Ashurst	Dill	Lenroot	Simmons
Bayard	Frazier	McMaster	Smith
Blease	George	McNary	Stanfield
Borah	Glass	Mayfield	Stephens
Bratton	Harris	Norbeck	Swanson
Brookhart	Harrison	Nye	Trammell
Broussard	Howell	Overman	Tyson
Cameron	Johnson	Pittman	Walsh
Caraway	Jones, N. Mex.	Robinson, Ark.	Watson
Copeland	Jones, Wash.	Robinson, Ind.	Wheeler
Couzens	Kendrick	Sheppard	Williams
Cummins	La Follette	Shipstead	

NAYS—31			
Bingham	Fletcher	Means	Schall
Butler	Goff	Metcalf	Shortridge
Capper	Gooding	Neely	Smoot
Dale	Greene	Oddie	Wadsworth
Edge	Hale	Pepper	Warren
Edwards	Harrell	Phipps	Weller
Ernst	Healin	Pine	Willis
Fess	McLean	Sackett	

NOT VOTING—13			
Bruce	Ferris	McKellar	Reed, Mo.
Curtis	Gerry	McKinley	Reed, Pa.
Deneen	Gillett	Moses	Underwood
du Pont	Keyes	Norris	
Fernald	King	Ransdell	

So Mr. CARAWAY's amendment was agreed to.

The VICE PRESIDENT. Under the unanimous-consent agreement of last Saturday, the amendment next in order is the one offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. HEFLIN. On that I call for the yeas and nays.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 11, it is proposed to strike out "1" and insert "26," so that it will read:

shall report to Congress not later than April 26, 1926.

Mr. FLETCHER. Mr. President, a parliamentary inquiry. I thought the Senator from Arkansas [Mr. CARAWAY] had another amendment.

Mr. CARAWAY. I have offered another amendment, which was to go with this one.

The VICE PRESIDENT. That amendment will come up later on. This amendment comes up at this time under the unanimous-consent agreement made last Saturday.

Mr. FLETCHER. I had supposed the question on agreeing to that amendment would come after the question was put on the amendment of the Senator from Arkansas [Mr. CARAWAY].

Mr. HEFLIN. The committee can ask for more time if they need it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Kansas [Mr. CURTIS]. I am informed that if he were present he would vote "nay." I therefore vote "nay."

Mr. FLETCHER (when his name was called). Making the same announcement as before, I vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same transfer of my pair as on the previous roll call, I vote "yea."

Mr. NORRIS (when his name was called). Repeating the announcement that I made on the preceding roll call in regard to my pair with the senior Senator from Alabama [Mr. UNDERWOOD], I withhold my vote.

Mr. BROUSSARD (when Mr. RANSDELL's name was called). I desire to announce that my colleague, the senior Senator from Louisiana [Mr. RANSDELL] is absent. If he were present he would vote "yea."

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that the Senator from Massachusetts [Mr. GILLET] is paired with the Senator from Missouri [Mr. REED] and the Senator from Illinois [Mr. McKINLEY] is paired with the Senator from Maryland [Mr. BRUCE].

The result was announced—yeas 59, nays 20—as follows:

YEAS—59			
Ashurst	Dill	La Follette	Shipstead
Bayard	Edge	Lenroot	Shortridge
Bingham	Fess	McMaster	Simmons
Blease	Frazier	McNary	Smith
Borah	George	Mayfield	Smoot
Bratton	Glass	Metcalf	Stanfield
Brookhart	Goff	Norbeck	Swanson
Broussard	Greene	Nye	Tyson
Butler	Harris	Overman	Walsh
Cameron	Harrison	Pepper	Warren
Capper	Howell	Robinson, Ark.	Watson
Caraway	Johnson	Robinson, Ind.	Wheeler
Copeland	Jones, N. Mex.	Sackett	Williams
Couzens	Jones, Wash.	Schall	Willis
Cummins	Kendrick	Sheppard	

NAYS—20			
Dale	Gooding	Means	Pittman
Edwards	Hale	Neely	Stephens
Ernst	Harrell	Oddie	Trammell
Ferris	Healin	Phipps	Wadsworth
Fletcher	McLean	Pine	Weller

NOT VOTING—17			
Bruce	Gerry	McKinley	Reed, Pa.
Curtis	Gillett	Moses	Underwood
Deneen	Keyes	Norris	
du Pont	King	Ransdell	
Fernald	McKellar	Reed, Mo.	

So Mr. LENROOT's amendment was agreed to.

The VICE PRESIDENT. The question is upon agreeing to the second amendment offered by the Senator from Arkansas [Mr. CARAWAY], which the clerk will report.

The CHIEF CLERK. On page 1, line 13, after the word "purposes," insert the words "such power to be equitably distributed among the communities and States to which it may be properly transported," so as to read:

The committee is authorized and directed to conduct negotiations for a lease or leases of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, such power to be equitably distributed among the communities and States to which it may be properly transported, in order to serve national defense, agriculture, and industrial purposes, and upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

Mr. HEFLIN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). Making the same announcement as to my pair and its transfer, I vote "yea."

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Kansas [Mr. CURTIS], and in his absence I withhold my vote. If the senior Senator from Kansas were present, he would vote "nay"; and if I were permitted to vote, I would vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. du Pont]. If present, the Senator from Delaware would vote "nay" on this amendment. If I were permitted to vote, I would vote "yea." Not being able to get a transfer, I withhold my vote.

Mr. JONES of New Mexico (when his name was called). Making the same announcement with regard to the transfer of my pair as on the previous vote, I vote "yea."

Mr. NORRIS (when his name was called). Repeating the announcement heretofore made as to my pair, I withhold my vote.

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from New Hampshire [Mr. KEYES] and vote "nay."

The roll call was concluded.

Mr. BROUSSARD. I desire to announce that my colleague [Mr. RANSDELL] is unavoidably absent. If present, he would vote "yea."

Mr. HEFLIN. My colleague [Mr. UNDERWOOD] is absent on account of illness. If he were present, he would vote "nay." The result was announced—yeas 47, nays 30, as follows:

YEAS—47

Asburst	Dill	McMaster	Shipstead
Bayard	Frazier	McNary	Simmons
Bleese	George	Mayfield	Smith
Borah	Glass	Means	Stanfield
Bratton	Gooding	Norbeck	Stephens
Brookhart	Harris	Nye	Swanson
Broussard	Harrison	Overman	Trammell
Cameron	Howell	Phipps	Tyson
Capper	Johnson	Pittman	Walsh
Caraway	Jones, N. Mex.	Robinson, Ark.	Watson
Copeland	Kendrick	Robinson, Ind.	Wheeler
Couzens	La Follette	Sheppard	

NAYS—30

Bingham	Goff	Metcalf	Smoot
Butler	Greene	Neely	Wadsworth
Cummins	Hale	Oddie	Warren
Dale	Harrell	Pepper	Weller
Edge	Heflin	Pine	Williams
Edwards	Jones, Wash.	Sackett	Willis
Ernst	Lenroot	Schall	
Fess	McLean	Shortridge	

NOT VOTING—19

Bruce	Ferris	King	Ransdell
Curtis	Fletcher	McKellar	Reed, Mo.
Deneen	Gerry	McKinley	Reed, Pa.
du Pont	Gillett	Moses	Underwood
Fernald	Keyes	Norris	

So Mr. CARAWAY's amendment was agreed to.

The VICE PRESIDENT. The question is now upon agreeing to the third amendment offered by the Senator from Arkansas [Mr. CARAWAY], which the clerk will read.

The CHIEF CLERK. On page 2, line 3, after the word "lease," insert the words "or leases."

The amendment was agreed to.

The VICE PRESIDENT. The concurrent resolution is before the Senate and still open to amendment.

Mr. NEELY. I offer three amendments and ask that they be voted on. My first motion is to amend the concurrent resolution on page 2, line 4, by striking out the word "fifty" and inserting the word "twenty."

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. On page 2, line 4, strike out "fifty" and insert in lieu thereof the word "twenty," so that it will read: except that the lease or leases shall be for a period not to exceed 20 years.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FERRIS (when his name was called). I am paired with the senior Senator from Kansas [Mr. CURTIS], who is absent. If he were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as before as to my pair, I vote "nay."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "yea."

Mr. NORRIS (when his name was called). Making the same announcement as to my pair as before, I withhold my vote.

Mr. WILLIS (when his name was called). Making the same announcement as to the transfer of my pair with the senior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from New Hampshire [Mr. KEYES], I vote "nay."

The roll call was concluded.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I am informed that if he were present, he would vote as I shall vote. I vote "nay."

The result was announced—yeas 30, nays 43, as follows:

YEAS—30

Ashurst	Dill	La Follette	Shipstead
Bleese	Frazier	McMaster	Simmons
Borah	George	McNary	Smith
Bratton	Gooding	Neely	Stanfield
Brookhart	Harris	Norbeck	Walsh
Broussard	Howell	Nye	Wheeler
Copeland	Johnson	Overman	
Couzens	Jones, N. Mex.	Sheppard	

NAYS—48

Bayard	Edge	Hale	Mayfield
Bingham	Edwards	Harrell	Means
Butler	Ernst	Harrison	Metcalf
Cameron	Fess	Heflin	Oddie
Capper	Fletcher	Jones, Wash.	Pepper
Caraway	Glass	Kendrick	Phipps
Cummins	Goff	Lenroot	Pine
Dale	Greene	McLean	Pittman

Robinson, Ark.	Shortridge	Trammell	Watson
Robinson, Ind.	Smoot	Tyson	Weller
Sackett	Stephens	Wadsworth	Williams
Schall	Swanson	Warren	Willis

NOT VOTING—18

Bruce	Ferris	McKellar	Reed, Mo.
Curtis	Gerry	McKinley	Reed, Pa.
Deneen	Gillett	Moses	Underwood
du Pont	Keyes	Norris	
Fernald	King	Ransdell	

So Mr. NEELY's amendment was rejected.

Mr. NEELY. I ask that my second proposed amendment be stated.

Mr. NORBECK. Will the Senator from West Virginia yield while I offer an amendment to provide for a lease or leases of 30 years instead of 50 years?

Mr. NEELY. I yield for that purpose.

Mr. NORBECK. I send the amendment to the desk and ask that it be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 4, the Senator from South Dakota proposes to strike out "50" and insert "30" so as to read:

Except that the lease shall be for a period not to exceed 30 years.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Dakota.

Mr. NORBECK. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BAYARD (when his name was called). Making the same announcement as to my pair, I understand that if my pair were present he would vote as I desire to vote. I therefore am at liberty to vote. I vote "nay."

Mr. FERRIS (when his name was called). I have a pair with the senior Senator from Kansas [Mr. CURTIS]. If the senior Senator from Kansas were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. JONES of New Mexico (when his name was called). Making the same announcement as on a previous vote regarding the transfer of my pair, I vote "yea."

Mr. NORRIS (when his name was called). I am paired and withhold my vote.

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. McKELLAR] to the junior Senator from New Hampshire [Mr. KEYES] and vote "nay."

The roll call was concluded.

Mr. BROUSSARD. My colleague, the senior Senator from Louisiana [Mr. RANSDELL], is unavoidably absent. If he were present, he would vote "yea."

The result was announced—yeas 30, nays 47, as follows:

YEAS—30

Ashurst	Dill	La Follette	Shipstead
Bleese	Frazier	McMaster	Simmons
Borah	George	McNary	Stanfield
Bratton	Gooding	Neely	Trammell
Brookhart	Harris	Norbeck	Walsh
Broussard	Howell	Nye	Wheeler
Copeland	Johnson	Overman	
Couzens	Jones, N. Mex.	Sheppard	

NAYS—47

Bayard	Fletcher	Mayfield	Shortridge
Bingham	Glass	Means	Smoot
Butler	Goff	Metcalf	Stephens
Cameron	Greene	Oddie	Swanson
Capper	Hale	Pepper	Tyson
Caraway	Harrell	Phipps	Wadsworth
Cummins	Harrison	Pine	Warren
Dale	Heflin	Pittman	Watson
Edge	Jones, Wash.	Robinson, Ark.	Weller
Edwards	Kendrick	Robinson, Ind.	Williams
Ernst	Lenroot	Sackett	Willis
Fess	McLean	Schall	

NOT VOTING—19

Bruce	Ferris	McKellar	Reed, Mo.
Curtis	Gerry	McKinley	Reed, Pa.
Deneen	Gillett	Moses	Smith
du Pont	Keyes	Norris	Underwood
Fernald	King	Ransdell	

So Mr. NORBECK's amendment was rejected.

Mr. NEELY. I ask now that my next amendment may be stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 5, strike out the words "have leave to," so as to read:

Said committee shall report its findings and recommendations, etc.

Mr. HEFLIN. Mr. President, if my friend will permit me, the resolution in its last line provides that they shall report their findings.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. NEELY and Mr. NORRIS asked for the yeas and nays.

The yeas and nays were not ordered, and the amendment was rejected.

Mr. NEELY. I ask that the clerk state the next amendment which I have offered.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The next amendment offered by the Senator from West Virginia is, on page 2, line 4, after the word "years," to insert the following additional proviso:

And provided further, That there shall be reserved to the Government on the face of any lease that may be negotiated by virtue of this resolution the right to purchase from the lessee, after one year's notice in writing, all improvements made by such lessee on or in connection with the Muscle Shoals project, by the Government paying such lessee the actual cost of such improvements plus 6 per cent interest on the said cost from the date of its payment by the said lessee to the date of the completion of the Government's purchase of and payment for the improvements aforesaid.

Mr. NEELY. I ask for the yeas and nays.

The yeas and nays were not ordered, and the amendment was rejected.

Mr. BLEASE. I send to the desk an amendment which I offer.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from South Carolina.

The CHIEF CLERK. On page 2, line 11, after "1926," insert the words:

No action of the committee shall be binding on either party, or final, until agreed to by the Congress.

The amendment was rejected.

Mr. NEELY. I move to amend, on page 2, line 4, after the word "years," adding the following proviso:

Provided, That the lessee shall bind himself or itself to operate nitrate plant No. 2 to capacity, and exclusively for the production of fertilizer for the full term of the lease.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from West Virginia.

The amendment was rejected.

Mr. SMITH. Mr. President, the amendments that are to be proposed, I understand, are now all offered in so far as they are going to affect the resolution. I desire to offer a substitute for the resolution as amended. I have already sent it to the desk and I ask that the clerk may read it. I desire to modify the substitute. Where it reads "\$20,000,000" I ask that it may be changed to read "\$5,000,000," which I understand would be sufficient for all purposes.

Now, Mr. President, just one word of explanation—

The VICE PRESIDENT. The amendment is not debatable.

Mr. SMITH. Let the clerk read the substitute and it will explain itself.

The VICE PRESIDENT. The clerk will read the substitute proposed by the Senator from South Carolina.

The CHIEF CLERK. The Senator from South Carolina proposes to insert a preamble, as follows:

Whereas under section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, it is provided that "the plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital"; and

Whereas the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala. (excepting nitrate plant No. 2), were acquired and constructed pursuant to the authorization contained in section 124 of such act of June 3, 1916; and

Whereas it is for the best interests of the people of the United States that such properties (including nitrate plant No. 2) shall continue to be maintained and operated by the Government and dedicated to the uses specified in section 124 of such act of June 3, 1916:

And to strike out all after the resolving clause of the concurrent resolution and to insert a substitute, as follows:

That all the functions vested in the President by section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916 (including such of those functions as are now being exercised by the Secretary of War and the Secretary of Agriculture, respectively), and all functions with respect to the operation and maintenance of nitrate plant No. 2 shall be exercised by the Secretary of Agriculture for the benefit of the Government and people of the United States by providing for the national defense by insuring an adequate

supply of nitrates for use in time of war and by promoting agriculture through the development of cheaper commercial fertilizers.

Sec. 2. That in carrying out the provisions of this resolution the Secretary of Agriculture is authorized and directed to form, under the laws of the District of Columbia, a corporation for the maintenance and operation of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., and for the development of such additional facilities as the corporation considers necessary. The total capital stock of the corporation shall not exceed \$5,000,000. The Secretary of Agriculture may, for and on behalf of the United States, subscribe to, purchase, and vote not less than a majority of the capital stock of such corporation, and perform all other functions with respect thereto necessary to protect the interests of the United States and to carry out the purposes of this resolution.

Sec. 3. (a) That any excess power developed in the operation of such properties may be disposed of under such terms and conditions as the corporation may prescribe to any State or political subdivision thereof or to any individual, partnership, association, or corporation.

(b) The corporation shall give preference in the disposition of such excess power to the power requirements of States, political subdivisions of States, and public-service companies.

Sec. 4. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000,000, or so much thereof as may be necessary, to carry out the provisions of this resolution.

Mr. HEFLIN. Mr. President, I make the point of order that the amendment offered is in the form of a joint resolution and would require an expenditure of money; it would have to go to the President, and may not properly be offered as a substitute for a concurrent resolution. No resolution may be offered as a substitute for a concurrent resolution other than something of the same nature.

The VICE PRESIDENT. Under the precedents of the Senate the Chair rules that the point of order is not well taken. The question is on the amendment offered by the Senator from South Carolina [Mr. SMITH].

Mr. SMITH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I had an understanding with him, however, that I could vote on amendments to the resolution. This is a substitute for the resolution. I therefore transfer my pair with the Senator from New Hampshire to the senior Senator from Louisiana [Mr. RANSDELL] and shall vote. I vote "yea."

Mr. FERRIS (when his name was called). I have a pair with the Senator from Kansas [Mr. CURTIS]. If he were present, he would vote "nay," and, if I were permitted to vote, I should vote "yea."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. On this vote I am unable to obtain a transfer. If I were permitted to vote, I should vote "yea." I withhold my vote.

Mr. NORRIS (when his name was called). Repeating the announcement which I made on the first roll call, I withhold my vote.

Mr. WILLIS (when his name was called). If the senior Senator from Tennessee [Mr. MCKELLAR] were present, I am advised he would vote for the substitute. I am paired with that Senator, but I transfer my pair to the junior Senator from New Hampshire [Mr. KEYES] and will vote. I vote "nay."

The roll call was concluded.

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I am informed that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote and vote "nay."

The result was announced—yeas 29, nays 47, as follows:

YEAS—29

Ashurst	Frazier	McNary	Smith
Bleas	George	Neely	Stanfield
Bratton	Gooding	Norbeck	Trammell
Brookhart	Harris	Nye	Walsh
Broussard	Howell	Overman	Wheeler
Copeland	Johnson	Sheppard	
Couzens	La Follette	Shipstead	
Dill	McMaster	Simmons	

NAYS—47

Bayard	Edge	Hale	Mayfield
Bingham	Edwards	Harrell	Means
Butler	Ernst	Harrison	Metcalf
Cameron	Fess	Heflin	Oddie
Capper	Fletcher	Jones, Wash.	Pepper
Caraway	Glass	Kendrick	Phipps
Cummins	Goff	Lenroot	Pine
Dale	Greene	McLean	Pittman

Robinson, Ark.
Robinson, Ind.
Sackett
Schall

Shortridge
Smoot
Stephens
Swanson

Tyson
Wadsworth
Warren
Watson

Weller
Williams
Willis

NOT VOTING—20

Borah
Bruce
Curtis
Deneen
du Pont

Fernald
Ferris
Gerry
Gillett
Jones, N. Mex.

Keyes
King
McKellar
McKinley
Moses

Norris
Ransdell
Reed, Mo.
Reed, Pa.
Underwood

So the amendment of Mr. SMITH's in the nature of a substitute was rejected.

The VICE PRESIDENT. The resolution is still open to amendment. If there are no further amendments, the question is, Shall the resolution, as amended, be agreed to?

Mr. HARRISON and Mr. HEFLIN called for the yeas and nays, and they were ordered.

The Chief Clerk proceeded to call.

Mr. BAYARD (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. I am unable to secure a transfer of that pair. In the absence of the junior Senator from Pennsylvania, I must withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. FERRIS (when his name was called). I am paired with the Senator from Kansas [Mr. CURTIS]. If he were present, I am informed that he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. I understand that if he were present he would vote "yea." I transfer my pair with him to the Senator from Louisiana [Mr. RANSDELL], and vote "nay."

Mr. NORRIS (when his name was called). On this vote, as on the votes on the amendments, I am paired with the senior Senator from Alabama [Mr. UNDERWOOD], who is detained from the Chamber on account of illness. If the Senator from Alabama were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. WILLIS (when his name was called). I transfer my pair with the senior Senator from Tennessee [Mr. MCKELLAR] to the junior Senator from New Hampshire [Mr. KEYES], and vote "yea."

The roll call was concluded.

Mr. FLETCHER. I desire to again announce my pair with the senior Senator from New Hampshire [Mr. MOSES]. If he were present, I am advised he would vote as I intend to vote. Therefore, I am at liberty to vote, and vote "yea."

Mr. ROBINSON of Arkansas. I have been requested to announce that the senior Senator from Rhode Island [Mr. GERRY] is necessarily absent; that the junior Senator from Maryland [Mr. BRUCE] is absent on account of the death of a relative, but if present, he would vote "yea"; that the senior Senator from Missouri [Mr. REED] is detained from the Senate on account of the death of a friend; and that the junior Senator from Utah [Mr. KING] is detained on account of illness.

Mr. BROUSSARD. I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I understand he would vote as I intend to vote. Therefore I am at liberty to vote and vote "yea."

I also desire to announce that my colleague [Mr. RANSDELL] is unavoidably absent. If present, he would vote "nay."

Mr. JONES of Washington. I desire to announce the necessary absence of the senior Senator from Illinois [Mr. MCKINLEY], the junior Senator from Massachusetts [Mr. GILLETT], the senior Senator from Kansas [Mr. CURTIS], the senior Senator from New Hampshire [Mr. MOSES], the junior Senator from Illinois [Mr. DENEEN], the junior Senator from Delaware [Mr. DU PONT], the senior Senator from Maine [Mr. FERNALD], and the junior Senator from New Hampshire [Mr. KEYES]. If present, those Senators would vote "yea." I also desire to announce the pairs of the junior Senator from Massachusetts [Mr. GILLETT] with the senior Senator from Missouri [Mr. REED].

The result was announced—yeas 51, nays 26, as follows:

YEAS—51

Bingham
Broussard
Butler
Cameron
Capper
Caraway
Dale
Edge
Edwards
Ernst
Fess
Fletcher
Glass

Goff
Greene
Hale
Harrell
Harris
Harrison
Heflin
Jones, Wash.
Kendrick
Lenroot
McLean
McNary
Mayfield

Means
Metcalf
Neely
Oddie
Pepper
Phipps
Pine
Pittman
Robinson, Ark.
Robinson, Ind.
Sackett
Schall
Shortridge

Smoot
Stanfield
Stephens
Swanson
Trammell
Tyson
Wadsworth
Warren
Watson
Weller
Williams
Willis

NAYS—26

Ashurst
Blease
Borah
Bratton
Brookhart
Copeland
Couzens

Cummins
Dill
Frazier
George
Gooding
Howell
Johnson

Jones, N. Mex.
La Follette
McMaster
Norbeck
Nye
Overman
Sheppard

Shipstead
Simmons
Smith
Walsh
Wheeler

NOT VOTING—19

Bayard
Bruce
Curtis
Deneen
du Pont

Fernald
Ferris
Gerry
Gillett
Keyes

King
McKellar
McKinley
Moses
Norris

Ransdell
Reed, Mo.
Reed, Pa.
Underwood

So the concurrent resolution was agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint committee, to be known as the Joint Committee on Muscle Shoals, is hereby established to be composed of three members to be appointed by the President of the Senate from the Committee on Agriculture and Forestry and three members to be appointed by the Speaker of the House of Representatives from the Committee on Military Affairs.

The committee is authorized and directed to conduct negotiations for a lease or leases of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, such power to be equitably distributed among the communities and States to which it may be properly transported, in order to serve national defense, agriculture, and industrial purposes, and upon terms which so far as possible shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease or leases shall be for a period not to exceed 50 years.

Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect, which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 26, 1926.

EXECUTIVE SESSION

Mr. GOODING. Mr. President, I move that the Senate proceed to the consideration of Senate bill 575, to amend section 4 of the interstate commerce act, with the understanding that the Senate is going into executive session immediately, and the further understanding that the bill may be laid aside for the Army appropriation bill or any other appropriation bill.

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate automatically goes into executive session. The Sergeant at Arms will clear the galleries and close the doors.

Mr. WATSON. Mr. President, we were to go into executive session; but I ask unanimous consent that the executive session be postponed until to-morrow.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, has the motion of the Senator from Idaho been agreed to?

Mr. GOODING. No.

Mr. WATSON. Mr. President, may I make an explanation?

The VICE PRESIDENT. Certainly.

Mr. WATSON. Under a unanimous-consent agreement the Senate was to proceed with the consideration of the nomination of Mr. Hunt as a member of the Federal Trade Commission at the conclusion of the consideration of the concurrent resolution dealing with Muscle Shoals. The Senator from Utah [Mr. KING] is ill, however, and can not be present. The Senator from Iowa [Mr. CUMMINS] has agreed not to proceed in the absence of the Senator from Utah. It is desirable that we proceed with legislation; and therefore, that we may do so in order, I ask unanimous consent that the executive session be postponed until to-morrow at 4 o'clock.

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. Mr. President, there is an objection. It was understood in my discussion of the matter with the Senator from Montana, the Senator from Utah [Mr. KING] being absent, that a time would be fixed for voting upon the nomination of Mr. Hunt.

Mr. WATSON. Why may not this all be fixed to-morrow as well as to-day?

Mr. CUMMINS. I want it to be fixed to-morrow. I want a vote to-morrow.

Mr. WATSON. But I do not think we ought to fix it unless we are in executive session.

Mr. CUMMINS. I do not think so, either; and therefore we will have to go into executive session.

Mr. WATSON. Let us fix the time to vote when we get into executive session to-morrow, and let the Senator from New York go on to-day with his military bill.

Mr. JONES of Washington. Mr. President, let me suggest to the Senator that several Senators have spoken to me this afternoon regarding other executive business, and wanted to know if we would have an executive session; and of course I told them that we would, because no change had been made in the unanimous-consent agreement with regard to the executive session. I suggest that if we go into executive session we will close up our business quicker than otherwise.

Mr. WATSON. The Senator from New York could pass his military bill while we are fooling around with an executive session.

Mr. CUMMINS. We can not take up the matter for discussion before to-morrow, but we can make an agreement this afternoon to vote to-morrow.

Mr. WATSON. Mr. President, there being objection to the unanimous-consent request, I move that the Senate proceed to the consideration of executive business.

Mr. ASHURST. But the Senator from Idaho [Mr. GOODING] has a prior motion.

The VICE PRESIDENT. The Senator from Indiana has simply stated the order as it exists at present.

Mr. SMOOT. Mr. President, is it not proper at this time for the Senator from Idaho to ask unanimous consent—

Mr. ROBINSON of Arkansas. Mr. President, I call for order in the Chamber. I should like to know what is going on here.

Mr. SMOOT. I asked the Chair if it is not proper at this time, notwithstanding the unanimous-consent agreement to go into executive session, to ask unanimous consent to proceed to the consideration of the bill that the Senator from Idaho [Mr. GOODING] has just moved to take up?

The VICE PRESIDENT. If there is no objection—

Mr. SMOOT. Why does not the Senator do that?

Mr. GOODING. I ask unanimous consent—

Mr. SMOOT. I find, however, that the Senator will have to move to take up the bill.

Mr. GOODING. Then, Mr. President, I move that the Senate proceed to the consideration of Senate bill 575, with the understanding that it is not to be discussed this afternoon and that it will be laid aside for the Army appropriation bill.

The VICE PRESIDENT. The motion is out of order.

Mr. SHEPPARD. I call for the regular order.

The VICE PRESIDENT. The Sergeant at Arms will clear the galleries and close the doors.

Mr. ASHURST. Mr. President, a point of order. When was that order entered?

The VICE PRESIDENT. The order was entered last Saturday. The Senate is in executive session. The Sergeant at Arms will clear the galleries and close the doors.

The doors were closed. After 10 minutes spent in executive session the doors were reopened.

LONG AND SHORT HAUL CLAUSE OF INTERSTATE COMMERCE ACT

Mr. GOODING. Mr. President, I move that the Senate proceed to the consideration of Senate bill 575, to amend section 4 of the interstate commerce act.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 575) to amend section 4 of the interstate commerce act.

Mr. WADSWORTH. I ask unanimous consent that the unfinished business be temporarily laid aside in order that the Senate may proceed to the consideration of House bill 8917, the War Department appropriation bill.

Mr. ROBINSON of Arkansas. It is practically 5 o'clock now, and I do not believe the Senate should pursue that course. We have given the right of way to the long and short haul bill, and now, without giving it any consideration at all, it is proposed that it be laid aside and that we take up a general appropriation bill at this hour. I do not believe the Senator from New York should attempt to do that. So far as I am concerned, I shall be glad to facilitate the consideration of this appropriation bill, but I do not think we ought to take it up at this hour, which is practically the usual hour of adjournment.

Mr. WADSWORTH. Let me make an inquiry of the Senator from Arkansas. Would it be the idea of the Senator that the Senate should proceed now to a discussion of the long and short haul bill?

Mr. ROBINSON of Arkansas. My idea is that we should take an adjournment at this time. We have done a day's work, and I do not know of any reason why we should at this hour proceed with either of these measures.

Mr. WADSWORTH. If the Senate shall decide to adjourn or take a recess at this time, I will make the same request to-morrow.

Mr. ROBINSON of Arkansas. I should have no objection to laying aside the long and short haul bill to-morrow, if those in charge of the bill desire to have that course followed, and to taking up the War Department appropriation bill. The unfinished business will not come up until 2 o'clock, if we adjourn.

ADJOURNMENT

Mr. GOODING. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 4 o'clock and 50 minutes p. m.) adjourned until to-morrow, Tuesday, March 9, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8 (legislative day of March 6), 1926

UNITED STATES MARSHAL

Louis Buchwald to be United States marshal, northern district of West Virginia.

SURVEYOR OF CUSTOMS

Edward E. Philbrook to be surveyor of customs at Portland, Me.

COLLECTORS OF CUSTOMS

Charles Fowler to be collector of customs at Nogales, Ariz.
John C. McBride to be collector of customs at Juneau, Alaska.

Alexander L. McCaskill to be collector of customs at Wilmington, N. C.

Judson LaMoore, jr., to be collector of customs at Pembina, N. Dak.

Millard T. Hartson to be collector of customs at Seattle, Wash.

COLLECTOR OF INTERNAL REVENUE

Jacob O. Bender to be collector of internal revenue for the district of Louisiana.

POSTMASTERS

ILLINOIS

Joseph J. Janda, Berwyn.

IOWA

William R. Prewitt, Forest City.

Raymond W. Rhoades, Glenwood.

Eva Keith, Goldfield.

Inga E. Cheely, Hornick.

Fred E. Bourgeois, Kalona.

William C. McCurdy, Massena.

Eugene E. Heldridge, Milford.

Frerich O. Christoffers, Palmer.

Otto J. Warneke, Readlyn.

Christa A. Hendrix, Silver City.

Ross G. Hauser, Union.

HOUSE OF REPRESENTATIVES

MONDAY, March 8, 1926

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our heavenly Father, feed us with the bread of heaven that we may be faithful to duty, strong in our convictions, responsive to all good, and sensitive to all wrong. When we meditate upon Thy marvelous works and the provisions Thou hast made for our preservation and redemption we are moved to wonder. When we behold the Father's love in the heart of our Savior we are stirred with the deepest emotions of praise and gratitude. In all things may He be our true example and may we love him in thought, word, and deed. Our relationship to society and state calls for strength, patience, tenderness, and discrimination. Our work means the bending of our whole soul to a serious undertaking. May we do good and no harm and never grow weary. In the name of Jesus. Amen.

The Journal of the proceedings of Saturday, March 6, 1926, was read and approved.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. WAINWRIGHT, for to-day, on account of sickness.

POST OFFICE AT SEGUIN, TEX.

Mr. GRIEST. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter addressed to the chairman of the

Committee on the Post Office and Post Roads by the Postmaster General.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks by printing in the RECORD a letter he received from the Postmaster General. Is there objection?

There was no objection.

The letter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 5, 1926.

Hon. W. W. GRIEST,
Chairman, Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. GRIEST: My attention has been directed to a speech made on the floor of the House by Representative WURZBACH, of Texas, on March 3. The only portion of the speech with which I am concerned is that which has reference to the lease of a post office at Seguin, Tex., which is so misleading that I think it well to acquaint you with all the attending circumstances as they are accurately revealed by the records of the Post Office Department.

The facts are as follows: Prior to 1914 the post office at Seguin was in a building owned by Mr. Eugene Nolte, under a lease entered into December 1, 1912, to run to December 1, 1922, which called for 2,080 square feet of space, heat, light, and water, at an annual rental of \$528. No objection to this location was ever made until March 26, 1914, on which date Representative GARNER of Texas called at the department to say that these quarters were unsatisfactorily located and to ask for an investigation. This was immediately ordered and Inspector Rolfe made an investigation, the result of which was a report to the effect that the quarters were ample, were properly located, the compensation satisfactory, and recommending that no change be made.

For some reason not disclosed this report was apparently unsatisfactory, as the records disclose that the case was reopened on January 9, 1915—at whose instance is not stated. Another inspection was directed and was made by Inspector Morris, who reported in due course that the quarters were satisfactorily located; that he had interviewed a majority of the business men of Seguin, 95 per cent of whom expressed entire satisfaction with things as they were, and this inspector also recommended that no change be made. This report was apparently no more satisfactory than the first, for on April 26, 1915, the case was again reopened, and on that date the then chief clerk of the department, Ruskin McCardle, in a personal letter to Inspector Morris, practically directed that a report be submitted recommending a change. In response to this direction, Inspector Morris made another investigation on May 12, 1915, submitted a report stating that while there had been some change of sentiment since the last investigation, he did not find sufficient justification for cancellation of the lease and recommended against it.

Notwithstanding these three reports, on June 30, 1915, Mr. Nolte was notified on the authority of Postmaster General Burleson that his lease was canceled, effective at the close of business October 31, 1915, and on that same date the First Assistant Postmaster General notified Mr. D. D. Baker of the acceptance of his proposal at \$510 for 10 years from November 1, 1915. It will be seen that this was an arbitrary cancellation seven years prior to the expiration of the lease and contrary to the recommendation made as the result of three separate inspections.

On August 12, 1921, Inspector A. C. Helmer recommended the cancellation of the Baker lease and the return of the office to the Nolte Building, 269 patrons of the office signing a petition asking for its return to the Nolte Building. A separate petition, including the mayor and 14 business men, was submitted, recommending the same thing. Opposed to this was a petition signed by 178 patrons and Representative WURZBACH, protesting against the return of the office to the Nolte property. On November 15, 1924, this department requested an investigation of the conditions at Seguin with a view to negotiating a new lease from November 1, 1925, at which date the contract for the Baker Building was to expire, and on August 29, 1925, Inspector O. C. Smith reported transmitting three proposals, as follows:

1. George L. Baker estate, for quarters then occupied, 2,219 square feet, equipment, heat, light, and water, at \$1 per annum for the first five years, and \$840 per annum for the second five years. This site is two and one-half blocks from the business center.

2. Eugene Nolte, for the quarters occupied prior to 1915, 2,541 square feet, equipment, heat, light, and water, at \$600 a year for either 5 or 10 years. This site is two blocks from the business center.

3. Thomas M. Vaughn, 3,200 square feet, with mezzanine, containing 1,800 square feet, for 5 or 10 years, at \$1,200, with equipment, heat, light, and water.

On account of price, unsuitability of building, and the fact that it called for much more space than the department wanted, the Vaughn proposition was not seriously considered.

The inspector recommended the Baker site on the ground that it was cheaper, but said with reference to the Nolte site, "This is the most desirable site offered, being on the main business street, facing the public square or the city park and within two blocks of the business center. It is diagonally across the street from the principal bank and within one block of the county courthouse and leading hotel. The streets on both sides of the building are paved, the street in front, the main business street, being 15 feet wider at this point."

The department considered it unfair to enter into a lease at \$1 a year for the first five years and \$840 a year for the second five years. Both proponents had to provide equipment and arrange to get their money back on account of this expenditure from the rental accruing during the period of the lease. It was very apparent that the Baker bid at \$1 for the first five years was worded in this manner in an attempt to eliminate competition, and then by increasing the rent to \$840 for the remaining five years the proponent would still obtain reimbursement for the equipment outlay. Furthermore, both proponents were not bidding on the same basis. It was therefore deemed both advisable and just to give both proponents an opportunity to revise their bids on a straight 10-year basis, and both were notified to do so.

It was also considered unwise to enter into a 5-year lease for the reason that the receipts of the Seguin office increased from \$12,122 to \$21,715 in the 5-year period from 1920 to 1924, indicating rapid future growth. Therefore, if a 5-year lease were taken, at the expiration of that time the receipts of the office would, at this rate, be around \$30,000, and the probabilities, based on past experience, were that the department would have then had to pay a rental of from \$1,800 to \$2,000 a year for rent for an office of that size.

Both proponents were accordingly formally notified to submit new bids strictly on a 10-year basis.

It is true that Mr. Nolte was at that time in Washington and that he called in person at the department with reference to this matter, but it is absolutely untrue that he was given any intimation whatever of the figures submitted by owners of the Baker property. On the contrary, he was specifically told that he must submit his bid in writing and sealed, which he did.

In response to the department's last instructions, the Bakers telegraphed, on September 14, 1925, "If you want 5-year lease, I offer post office at Seguin for \$1 per annum. If you prefer 10-year lease, I offer quarters at \$420 per annum." When the bids were opened it was found that the Baker proposition was for \$420 a year and the Nolte proposition \$360 a year for a 10-year lease, and, in strict accordance with inviolable practice, the Nolte bid was accepted.

In July, 1925, when the matter of leasing quarters was pending, Representative WURZBACH submitted a letter asking that the Baker Building be accepted for another 10 years, without advertising, at the rate of \$900 a year. He was informed that bids must be regularly invited.

It will be observed that every inspector who ever passed on the relative merits of the two sites gave the preference to the Nolte Building, and that the removal of the office from it in 1915 was the result of an arbitrary order issued by the Postmaster General of that day. The sole ground on which the last inspector recommended against removal from the Baker to the Nolte site was that the Baker site was cheaper, and when the final bids removed that objection, it leaves an unbroken chain of recommendations favorable to the Nolte Building.

It is true that on September 9, 1925, I did write Representative WURZBACH that he would be notified before the matter was disposed of, and a memorandum to this effect was put in the file. This was overlooked and not brought to my attention. That I did not write him personally was an oversight for which I accept full responsibility. It was, however, reasonable to assume that in view of the very persistent interest of Mr. WURZBACH in having the Baker lease entered into, he was fully informed as to the progress of events.

I have given you this statement of facts, taken from the official records, for such use as you see fit to make of it.

Very truly yours,

HARRY S. NEW, Postmaster General.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 7173. An act authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 6374. An act to authorize the employment of consulting engineers on plans and specifications of the Coolidge Dam.

The message also announced that the Senate had passed with amendment the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 9095. An act to extend the time for commencing and completing the construction of a bridge across the St. Francis River, near Cody, Ark.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5043) granting the consent of Congress to the Midland & Atlantic Bridge Corporation, a corporation to construct, maintain, and operate a bridge across the Big Sandy River between the city of Catlettsburg, Ky., and a point opposite in the city of Kenova, in the State of West Virginia, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. JONES of Washington, Mr. COUZENS, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD as the conferees on the part of the Senate.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 7019. An act to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio; and

H. R. 7173. An act authorizing the Secretary of the Interior to dispose of certain allotted land in Boundary County, Idaho, and to purchase a compact tract of land to allot in small tracts to the Kootenai Indians as herein provided, and for other purposes.

MR. JUSTICE HOLMES

Mr. McSWAIN. Mr. Speaker, I beg to call attention to the fact that to-day is the eighty-fifth anniversary of the birth of the Hon. Oliver Wendell Holmes, one of the Justices of the Supreme Court of the United States, a great public servant, a great jurist, who has manifested a vision of statesmanship in his service as a member of that court.

Mr. Speaker, on March 2, 1925, I made some remarks concerning the public services of Mr. Justice Holmes. I am reproducing a portion of those remarks in order to call attention to the toleration, sympathy, and teachable spirit of the man who to-day is 85 years old, and still doing his full share of the work on that great court. If he had been in the Army or the Navy, he would have been retired 21 years ago. His very best work has been done within the last 21 years:

This statesmanship of Mr. Justice Holmes has revealed itself in his willingness to hear the other side, and especially to give the individual States the right to enact laws upon social and economic matters that do not agree with his own views, so long as those laws do not plainly impinge upon the provisions of the fourteenth amendment. Hear him utter a great dissent and voice a principle that has made for individualism, the aggressiveness, the personal initiative, and the progressive qualities of the citizenry of this Republic:

"There is nothing that I more deprecate than the use of the fourteenth amendment beyond the absolute compulsion of its words to prevent the making of social experiments that an important part of the community desires in the insulated chambers afforded by the several States, even though the experiments may seem futile or even noxious to me and to those whose judgment I most respect.

"The fourteenth amendment, itself a historical product, did not destroy history for the States and substitute mechanical compartments of law all exactly alike."

If we can not surely understand the Constitution from its mere language, how can we understand it and who can be trusted to expound for us its intentions, its purposes, and its plans? If the Constitution is the bare, bony framework of government, where may we find its flesh and blood and nerve and brain? In the popular phrase, What is "the spirit of the Constitution"? Who is best qualified to perceive and explain that "spirit"? Surely it must be the man with knowledge of and a sympathy with the long, long struggle in all lands, and especially in England, for orderly government "deriving its just powers from the consent of the governed." It must be the man who has studied, comprehended, and rejoiced at the rise of the power of the people in the selection of those who are to make and interpret and enforce the laws by which the people live.

Mr. Justice Holmes exemplifies this sympathetic comprehension of how our political liberties have "broadened slowly down from precedent to precedent." He manifests familiarity with the whole bible of English and American liberty. He realizes the law is not an abstract science, living apart in lonely and logical seclusion, but is a changing conception of human progress revealed in history and formulated to meet multifarious human needs. It is preeminently essential that the Justices of our Federal Supreme Court should feel this "historical conception" of law. Certainly Mr. Justice Holmes, as few others have, has manifested a clear conception of the many-sidedness of the great legal controversies that have come before the

Supreme Court since he has been a member, and he has exhibited a high resolution to determine those legal problems not according to personal preferences or partisan feeling, but with humility, toleration, and fairness. His opinions are vibrant with the inspiration of Webster's classic utterance, "justice is the greatest interest of man on earth."

WHERE TO FIND RECRUITS FOR SUPREME COURT

Since the Supreme Court Justices have great powers of "judicial legislation" and are called upon to exercise "judicial statesmanship," the selection of such Justices is manifestly a delicate and difficult responsibility. But Mr. Justice Holmes came to the service of the highest Federal court with the clearest demonstration of his existing fitness for that sacred office. As teacher of law and as author of legal commentaries, he had exhibited a thorough comprehension of the whole field of common law, which is the matrix from which grow all other forms of legal development. For 20 years he had been a member of the Supreme Judicial Court of Massachusetts. Therefore the elevation in 1902 was no experiment. His talents and aptitude for judicial service had already been tried, tested, and demonstrated. To appoint a lawyer without judicial experience, however great may be his abilities as a counselor or his success as an advocate, is apt to be an experiment in the sense that he is untried. However high in political counsels one may be, however great his learning or powerful his intellect, yet these are no guaranty of that judicial balance of temperament, that mental and spiritual fairness and toleration, that intellectual humility and sense of justice so desirable, yea, so essential, to the delicate responsibilities of the Supreme Court. And here is an example and thought for him who nominates and for those who confirm.

There are 161 United States circuit and district judges and 277 justices of supreme courts. All these have been tried and found either fit or wanting. They have either manifested some of the ideal judicial qualifications or they are simply holding a mediocre average. Would it not be an inspiration for all these judges to feel their work, their careers, their conduct are constantly under the observation of those having the power to say "come up higher." If the justices and judges of the courts above named realized that vacancies upon the Supreme Court of the United States would be filled by the promotion of those already exercising judicial office, it certainly would stimulate their energies, and the effect would be not only to find the fitted material for the Federal Supreme Court, but would attract and hold better material to the lower courts.

Talented lawyers would thus be encouraged to accept the humbler judicial stations as stepping stones to the great goal of any honorable lawyer's ambition. Judges would be fired by a praiseworthy ambition so to serve as to deserve promotion. Then our great judicial keystone that completes the arch of our constitutional structure would always be composed exclusively of tested material. Then there would be no disappointments and misfits. There would be higher proficiency and greater efficiency all along the line. Confidence in the court would undoubtedly increase. Complaints should certainly cease. This suggestion is put forth with great humility and respect.

It is extremely interesting to observe, in view of much violent discussion in recent months, that Mr. Justice Holmes has said, "I do not think the United States would come to an end if we [the court] lost our power to declare an act of Congress void." This seemingly radical utterance of a Boston conservative but evinces the historical understanding underlying all his mental processes. "Comparative jurisprudence" makes men wise. "The historical instinct" is an invaluable trait for a judge. Of course, this statement does not confess any existing want of power in the court to uphold our written Constitution, even in defiance of contrary statutes. Though many contend that such power is an assumption on the part of the court, yet there is no fair escape from the conclusion that under a written Constitution, predicated upon the principle of popular sovereignty, the courts must possess the power to decide which is the law as between the Constitution and the statutes when the issue is necessarily presented in an actual case before the court.

APPROPRIATIONS

Mr. GARNER of Texas. Mr. Speaker, I ask unanimous consent to proceed for five minutes in order to interrogate the gentleman from Connecticut [Mr. TILSON].

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, as our friend Will Rogers would say, all we know is what we see in the newspapers, and we are not always certain about the statements that we see in the newspapers. I ask the gentleman from Connecticut [Mr. TILSON] whether the report in the newspaper of yesterday about the President being alarmed at the appropriations made by Congress being in excess of the revenues, is well founded?

Mr. TILSON. I think the word "alarmed" would be the wrong word to use in that connection, because I think the

President has confidence in the House of Representatives and in the Congress as a whole, that the Congress will not do those things that ought not to be done.

Mr. GARNER of Texas. If the President has confidence in the Congress, such as the gentleman suggests, why does he summon the gentleman to the White House and undertake to urge him to restrict the Congress in its appropriations?

Mr. TILSON. Oh, there was no effort to restrict the Congress. The President was simply doing his duty in calling attention to the fact that we have made a very drastic reduction in the revenues by the passage of the tax bill lately agreed to. He would not be doing his duty if he did not call attention to the fact that danger lurks in case there should not be a sufficient amount of revenue to keep the Treasury solvent.

Mr. GARNER of Texas. Will the gentleman be good enough to tell the House to what appropriations he called attention in which we have exceeded the amount he suggests?

Mr. TILSON. There was nothing of this kind. No specific bills were referred to that had been passed or that are about to pass, or that possibly might be passed.

Mr. GARNER of Texas. Then it was just a sort of social conversation between the gentleman and the President as to the general policy?

Mr. TILSON. The gentleman may call it so if he will.

Mr. GARNER of Texas. And there was really nothing in the newspaper report, then, as I understand it?

Mr. TILSON. Oh, I think there was a great deal in it.

Mr. GARNER of Texas. The gentleman does not have any information about it, and I do not see how there could be any more in the newspapers than the gentleman knows, and he does not seem to know anything.

Mr. TILSON. I have all the information there is in regard to it.

Mr. GARNER of Texas. But the gentleman does not impart any of that information to us.

Mr. TILSON. Oh, I have not concealed anything. I have told the gentleman that, so far as the newspaper report is concerned, it was reasonably accurate.

Mr. GARNER of Texas. If I understand the gentleman, then, the President did not point out to him any appropriation that Congress had made that was in excess of what it ought to be; neither did he suggest to the gentleman that appropriations in the future be restricted?

Mr. TILSON. Oh, he did not specify any particular appropriation. That is a matter for us to consider. What he did specify was that the sum total of appropriations and authorizations made should not exceed the revenues, which was a perfectly proper attitude for him to take.

Mr. GARNER of Texas. If the sum total of the appropriations is less than the President's recommendation, I presume it will be entirely satisfactory.

Mr. TILSON. Well, it certainly will not cause him to be alarmed, as the gentleman suggests, over the condition of the Treasury if we do not appropriate or authorize any more than the revenues will pay.

Mr. GARNER of Texas. Not revenues; the gentleman uses the wrong term. I said this: That if Congress did not appropriate any more than the President asks through the Budget, I presumed it would be entirely satisfactory.

Mr. TILSON. If he is not satisfied in that event, of course, the blame would not lie here but somewhere else.

CELEBRATION AT WILLIAMSBURG, VA.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

Joint Resolution —, providing for the observance of May 15, 1926, as the one hundred and fiftieth anniversary of the passage of a resolution by the Virginia Convention of 1776, proposing that Congress make a Declaration of Independence, and extending to the President and Congress of the United States an invitation to participate in a celebration at Williamsburg, Va.

Whereas the Virginia Convention in session in the city of Williamsburg on the 15th day of May, 1776, adopted a resolution instructing the Representatives of Virginia in the Continental Congress to propose a resolution declaring the "United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this Colony to such declaration and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances and a confederation of the Colonies"; and

Whereas pursuant to this action a resolution was adopted by Richard Henry Lee, of Virginia, in the Continental Congress and adopted on the 29th day of June, 1776, declaring the Colonies free and independent and absolved from all allegiance to the British crown, which was followed by the Declaration of Independence; and

Whereas it is appropriate that Congress should recognize the 15th day of May, of the current year, as the one hundred and fiftieth anniversary of an event of such great historic interest and importance: Therefore be it

Resolved, etc., That there shall be a committee of Congress consisting of 10 Members, 5 of whom shall be appointed by the Presiding Officer of the Senate and 5 by the Speaker of the House, to participate as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary to be held in the city of Williamsburg, Va., on the 15th day of May, 1926.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BEGG. Mr. Speaker, reserving the right to object, will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. BEGG. I want to say to the gentleman I am in entire accord with the idea, but beg to suggest to the gentleman that there ought to be a proviso in there that the actual expenses of this committee be paid out of the contingent fund of the two bodies.

Mr. MONTAGUE. Well—

Mr. BEGG. The gentleman certainly is most modest in his request. He does not ask for an appropriation, and I think that proviso ought to go in there. I wish the gentleman would offer an amendment to that effect.

Mr. MONTAGUE. I had not originally contemplated to ask that any charge be placed upon the Government. However, if the gentleman sees fit to take out of the contingent fund the actual expenses, which will not be over from \$300 to \$500, of course, that would be appreciated.

Mr. BEGG. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. BEGG. I am going to offer the amendment, and the House can do what it pleases with it. At the end of the resolution I would add:

Provided, That said committee shall be paid their actual expenses for the trip to Williamsburg and return to Washington out of the contingent funds of the respective Houses.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to have the resolution reported.

The SPEAKER. The resolution has been read once, but will be read for amendment. Is there objection to its present consideration?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman, for information, what the resolution does? I just came in.

The SPEAKER. The resolution has been read, and if there is no objection to the consideration of the resolution, it will be read for amendment.

Mr. MADDEN. I reserve the right to object to the present consideration of the resolution.

Mr. MONTAGUE. If the gentleman from Illinois will permit—

Mr. MADDEN. Certainly—

Mr. MONTAGUE. I will endeavor to state succinctly what it is. The resolution is intended to recognize a very potential and constructive fact in American history, namely, the instructions of the constitutional convention assembled at Williamsburg, Va., on the 15th of May, 1776, to its representatives in the Continental Congress at Philadelphia to propose therein a declaration of independence for the Colonies.

Mr. MADDEN. What financial obligation is involved?

Mr. MONTAGUE. None whatever in the resolution, but the gentleman from Ohio [Mr. BEGG] has suggested an amendment.

Mr. BEGG. Mr. Speaker, if the amendment involves the defeat of the resolution, I will withdraw it. I do not want to jeopardize the resolution.

Mr. GARRETT of Texas. Mr. Speaker, I make the point of order that the resolution was offered, and the Chair asked if there was objection to its consideration.

Mr. MADDEN. I reserved the right to object.

The SPEAKER. Reservation of the right to object was made.

Mr. MADDEN. I want to say that I am not opposed to the passage of the resolution if it does not cost the Government anything.

Mr. CHALMERS. I want to say, Mr. Speaker, that it seems to me that this is an important event in the history of our country. I hope the gentleman from Illinois will not object to the present consideration of the resolution. Neither do I think it is quite fair to tie up the membership of the House in the matter of amending the resolution after it has been considered.

Mr. TILSON. Mr. Speaker, will the gentleman from Virginia yield?

Mr. MONTAGUE. I will.

Mr. TILSON. If I recall the reading of the resolution correctly, it is a joint resolution.

Mr. MONTAGUE. Yes.

Mr. TILSON. Why should it not be a concurrent resolution of the two Houses.

Mr. MONTAGUE. It may be better to make it concurrent.

Mr. TILSON. It is a joint resolution in form, and if it is passed it becomes a law; whereas if it is a concurrent resolution, it is merely the action of the two Houses.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that it may be amended by making it a concurrent resolution.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a concurrent resolution be substituted for the joint resolution. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

SALE OF WAR DEPARTMENT REAL PROPERTY

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill S. 1129.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Conference report on the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the statement accompanying the conference report be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the statement in lieu of the report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 6½, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the House and insert in lieu thereof the following: "Provided, That no part of any such tracts or parcels as are now actually occupied under lease or license by a post of the American Legion shall be sold without the consent of such post"; and the House agree to the same.

Amendment numbered 28: That the Senate recede from its disagreement to the amendment of the House numbered 28 and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the House and insert in lieu thereof the following: "And provided further, That if the proper official or board of any such State, county, or municipality shall within such time limit notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two

years from the date of such notification: *Provided further*, That where any of the lands referred to in section 1 are now under lease or license to any State for National Guard purposes, the State shall have the right to purchase said lands at their appraised value, and after purchase may sell any part of such lands as in the opinion of the Secretary of War may not be needed for the use of the National Guard of such State: *And provided further*, That the sale of Fort Gaines, Ala., authorized to be sold under the act of June 4, 1924, may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said act"; and the House agree to the same.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,

Managers on the part of the House.

J. W. WADSWORTH, Jr.,
RALPH H. CAMERON,
DUNCAN U. FLETCHER,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: The language of the amendment adopted by the House is further amended to permit the sale of the land under lease or license by an American Legion post with the consent of the post, thereby relieving the mandatory loss of a sale should the American Legion post occupying the land desire to purchase it or turn it back to the Government.

On No. 28: This proviso is inserted to take care of a situation existing in the State of Louisiana, where the National Guard has been occupying Jackson Barracks, an abandoned Government reservation of 87 acres, since February 1, 1921, keeping the buildings in a good state of repair without expense to the Government. The Inspector General of the Army has commended the Louisiana National Guard highly for the manner in which this property has been cared for.

The post is now being occupied by the Washington Artillery Battalion of Field Artillery, an old historical organization, dating back to the Mexican War, and several troops of Cavalry, together with 125 horses, the matériel and transportation of these organizations; for storage purposes for all Federal property issued to the State and not in the hands of troops. Buildings are also used for armory purposes and as quarters for the officers commanding the organizations mentioned above. The National Guard has expended \$6,000 for the construction of stables alone, and has incurred a great deal of expense in the repair of many buildings on the reservation.

The Louisiana National Guard wishes to purchase the whole tract to be held for the future development of the guard, but believes permission should be given to sell any portion of the land not found necessary for the development of the guard because of curtailment of National Guard activities by the National Government. This permission is given with the proviso that no portion of the land shall be sold without the approval of the Secretary of War.

The language of the amendment as agreed upon has the approval of the Secretary of War.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. HOWARD. For the purpose of getting unanimous consent to speak about a minute and a half.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to proceed for a minute and a half. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker and gentlemen of the House, last Saturday a magnificent address was delivered here by the gentleman from Alabama [Mr. OLIVER]. I trust most of you heard it and enjoyed it. I want particularly to call your attention to the opening remarks of the gentleman from Alabama telling about the good things that the CONGRESSIONAL RECORD contained and how valuable they would be if they were read in the high schools of the land. My suggestion is that a little resolution is sleeping somewhere, calling attention to the importance of furnishing the CONGRESSIONAL RECORD to the public and parochial high schools throughout the country. I beg the attention of the chairman of the Committee on Printing and ask him that that resolution be allowed to come up on the floor. [Applause.]

DISTRICT OF COLUMBIA BUSINESS

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District legislation; and pending that motion, I ask unanimous consent that the general debate be controlled one-half by the gentleman from Texas [Mr. BLANTON] and one-half by myself.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the time for general debate in the consideration of District bills on the calendar be equally divided between the gentleman from Texas [Mr. BLANTON] and himself. Is there objection?

Mr. TILSON. Reserving the right to object, Mr. Speaker, how much time does the gentleman anticipate will be required?

Mr. BLANTON. We think we should have to-day.

Mr. TILSON. Does not the gentleman want to qualify his request?

Mr. BLANTON. If we finish the District business to-day, we shall have done two good days' work in one. We ought to do it.

Mr. TILSON. That does not answer the question.

Mr. BLANTON. We are cooperating together for the purpose of expediting the business.

Mr. ZIHLMAN. I will say, Mr. Speaker, in answer to the gentleman from Connecticut [Mr. TILSON], that personally I would like to put a limit to it, but the gentleman from Texas [Mr. BLANTON] thinks we can expedite the consideration of these bills by putting it this way.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported by the Committee on the District of Columbia.

Mr. RANKIN. Mr. Speaker, will the gentleman from Maryland withhold that for a moment?

Mr. ZIHLMAN. I withhold it for a reasonable time.

SWAMP AND OVERFLOWED LANDS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a short memorial on the part of the Legislature of the State of Mississippi addressed to the Congress of the United States.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by printing a memorial addressed to Congress by the Legislature of the State of Mississippi. Is there objection?

Mr. BEERS. Mr. Speaker, I must object until we find out something about it.

Mr. RANKIN. It is a memorial addressed to the Congress of the United States asking, in effect, that southern drainage and reclamation projects be given the same consideration as reclamation and drainage projects in other sections of the country.

Mr. BEERS. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following memorial to Congress passed by the Legislature of Mississippi:

A concurrent resolution (H. Con. Res. 13) memorializing Congress to grant to the various States of the Union Federal aid for the drainage and reclamation of swamp and overflowed lands

Whereas there are great areas in the State of Mississippi and other States of the Union which are now in swamps and are subject to overflow; and

Whereas the agricultural prosperity of the Nation would be greatly benefited by the reclamation and drainage of these swamp lands; and

Whereas the reclamation and drainage of said lands is a project which would benefit the whole Nation and a project which is practically impossible for the individual States to carry out without financial aid; and

Whereas the Federal Congress has appropriated great sums of money for the purpose of irrigating and reclaiming barren and arid lands in the West and Northwest; and

Whereas drainage and reclaiming swamp lands in the Middle and Southern States will yield to agriculture the same benefits as that derived from irrigating and reclaiming the plains region: Be it

Resolved by the house of representatives (the senate concurring), That the Members of the United States Senate from this State and Representatives in the Congress of the United States from this State be requested to use every effort in their power to secure for the State of Mississippi and other States similarly situated Federal aid for the drainage and reclamation of swamp and overflowed lands; and be it further

Resolved, That the Congress of the United States be, and it is hereby, respectfully memorialized and requested to grant to the various States of the Union Federal aid as herein set out.

Adopted by the house of representatives January 15, 1923.

THOMAS L. BAILEY,

Speaker of the House of Representatives.

Adopted by the senate February 1, 1926.

DENNIS MURPHEE,

President of the Senate.

I, Joseph W. Power, secretary of state of the State of Mississippi, hereby certify that the foregoing copy of House Concurrent Resolution No. 13 is a true and correct copy of the enrolled act as same appears on file in my said office.

Given under my hand and the great seal of the State of Mississippi this 23d day of February, A. D. 1926.

[SEAL.]

JOSEPH W. POWER,

Secretary of State.

DISTRICT BUSINESS

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Union Calendar reported by the District Committee.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BEGG in the Chair.

OFFICES OF RECORDER OF DEEDS AND REGISTER OF WILLS

Mr. ZIHLMAN. Mr. Chairman, I call up H. R. 9685, a bill providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

The CHAIRMAN. The gentleman from Maryland calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be read under the five-minute rule for amendment.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the bill be read under the five-minute rule. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1927, all of the fees and emoluments of the offices of recorder of deeds and register of wills of the District of Columbia shall be paid into the Treasury of the United States to the credit of the District of Columbia: *Provided*, That such of the undeposited fees and emoluments arising out of the fiscal year 1927 and prior fiscal years as may be necessary for the payment of outstanding and unpaid obligations for those fiscal years may be retained for that purpose.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN: Page 1, line 5, strike out the word "into" and insert the following: "Weekly to the collector of taxes for the District of Columbia for deposit in."

The amendment was agreed to.

The Clerk read as follows:

SEC. 2. The annual estimates of appropriations for the government of the District of Columbia for the fiscal year 1928 and succeeding fiscal years shall include estimates of appropriations for the operation and maintenance of such offices. And appropriations are hereby authorized for personal services, rentals, office equipment, office supplies, and such other expenditures as are essential for the efficient maintenance and conduct of such offices.

With the following committee amendment:

Page 2, line 7, after the word "for," insert "a suitable record building for the office of the recorder of deeds, and for."

The committee amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

WIDENING OF FIRST STREET BETWEEN G STREET AND MYRTLE STREET NE.

Mr. ZIHLMAN. Mr. Chairman, I call up Senate bill 2041, a bill to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes.

The CHAIRMAN. The gentleman from Maryland calls up Senate bill 2041, which the Clerk will report.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be read under the five-minute rule.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the bill be read under the five-minute rule. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of Chapter XV of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia, within six months after the passage of this act, a proceeding in rem to condemn the land that may be necessary for the widening of First Street between G and Myrtle Streets NE., along the eastern boundaries of squares Nos. 675, 676, and 677, said street to be widened on such lines and to such a width as said commissioners may deem best for the public interest: *Provided*, That if the amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land condemned for such widening, plus the costs and expenses of the proceeding hereunder, is greater than the amount of benefits assessed, then the amount of such excess shall be paid out of the revenues of the District of Columbia.

Sec. 2. That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding hereunder, and for the amounts awarded as damages; and the amounts assessed as benefits, when collected, shall be covered into the Treasury to the credit of the revenues of the District of Columbia.

Sec. 3. That the act approved March 3, 1923, entitled "An act to authorize the widening of First Street NE., and for other purposes," be, and the same is hereby, repealed, and the Commissioners of the District of Columbia are authorized and directed to discontinue and abandon the proceeding heretofore instituted by them under said act for the widening of the said First Street, known as District court cause No. 1594.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word for the purpose of asking for information. I would like to ask the chairman of the committee whether this bill has anything to do with the land directly adjoining the Union Station?

Mr. ZIHLMAN. It has not.

Mr. TREADWAY. Will the chairman kindly tell us where this widening of First Street is—where the location is?

Mr. ZIHLMAN. I will say to the gentleman that this land is in the rear of the post office, between G Street and Myrtle Street, and northwest of the Union Station Plaza—that is, the part of the plaza or concourse east of the station.

Mr. TREADWAY. Does it adjoin the railroad tracks?

Mr. ZIHLMAN. No; I will say to the gentleman that it is on the other side of the street.

Mr. TREADWAY. Will the gentleman yield me five minutes so that I may make some statement with reference to this matter?

Mr. ZIHLMAN. The gentleman, under the rules of the House, is entitled to five minutes.

Mr. TREADWAY. I moved to strike out the last word for the purpose of asking a question, but I would now like to make an observation as to land in that vicinity.

Mr. Chairman, the reason I am asking the chairman of the committee about the actual location of this land is that, it seems to me, we must in the near future face the question as to the validity of the claim of the railroad people and other owners adjoining the Union Station. The public are being treated, in connection with the use of the Union Station, in the manner described years ago by a remark of the late Cornelius Vanderbilt. I have never seen anything like it. It is the only station in the world, so far as I know, where you can not approach the main entrance without being roped or chained off. You can not get to the main entrance of the Union Station in

this city except as you pass a rope or a chain. I am informed that a street car line going along there has to pay a royalty, or a toll, as it were, for every street car using that land, to the so-called owners of land donated, as I understand it, by the Federal Government for the purpose of constructing a railroad station. You can not get to the entrance where people must go, either by taxi or by private conveyance, without sort of asking permission of an officer in a uniform supposed to be that of a policeman, but who is, as a matter of fact, an employee of the Union Station.

Mr. BLANTON. Will the gentleman yield?

Mr. TREADWAY. I could continue along this line for some time, but I will be glad to yield to the gentleman, because, no doubt, he knows a great deal more about that situation than I do. However, let me add this one word, if I may, in view of the probable expiration of my time: I do not want to vote for this bill or any other bill that is going to give the monopolists controlling the Union Station any more rights or privileges than they now have, and I want some day to vote to take away a lot of the rights they already are assuming they have. [Applause.] I will now yield the floor.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the gentleman's pro forma amendment.

The speech of the gentleman from Massachusetts [Mr. TREADWAY] makes me feel hopeful. If you go down to this Union Station right now as a Congressman, with your family, and attempt to enter that station, you can not enter the inside driveway because that is sold to a special monopoly—the Black & White Taxi Co. Their cabs are the only ones that can come in on the inside driveway. Along about the time the Orange Blossom Special comes in from Florida every evening, you can not even enter the second driveway because that is also reserved for the black and white taxicabs. A Congressman or a Senator has to go in the third driveway, and your wife and children have to dodge around the black and white taxis like a bunch of scared partridges in trying to get into your own station. And the people of the District of Columbia are getting tired of it.

Mr. TREADWAY. But we are no better than the general public.

Mr. BLANTON. Certainly. I mentioned us, but I am speaking for the public. Let me tell the gentleman that I have had in mind the general public with respect to this proposition ever since I have been here, and the reason I say the gentleman is anticipating and is making me feel hopeful by his speech is because the next bill to be called up by the chairman will be the traffic bill, and before we get through with that bill I have an amendment which I expect to offer and if the gentleman will help pass that amendment, we will not have any more monopolies down here at this Union Station, because I am going to ask you to help to break it up. [Applause.]

I have an amendment that provides there shall be no more monopolies of this kind here in Washington; that the Pennsylvania Railroad and the Baltimore & Ohio shall not have the right to sell as special driveway the approaches to that depot to special monopolies; that the Willard Hotel shall not have the right to sell the sidewalk and street out in front of the hotel to a special class of taxicabs; that the Washington Hotel shall not have the right to monopolize the street in front of that building by selling the space to certain taxicabs; and that no hotel in this District of Columbia shall have any further monopolistic rights. I expect to offer that amendment, and I hope the gentleman from Massachusetts will help us to pass it, and in that event we will not have any more trouble. [Applause.]

Mr. GILBERT. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman.

Mr. GILBERT. I am heartily in favor of the amendment which the gentleman will offer to the next bill, but neither the remarks of the gentleman from Texas nor the remarks of the gentleman from Massachusetts have anything to do with the bill we are now considering.

Mr. BLANTON. Oh, no; this bill is all right.

Mr. TREADWAY. I simply wanted to have that assurance from the chairman in charge of the bill.

Mr. BLANTON. This bill is all right. Nobody in the committee has objected to it.

Mr. TREADWAY. Very good.

Mr. BLANTON. But we will ask the gentleman's help in a few minutes. [Laughter and applause.]

The bill was ordered to be laid aside with a favorable report to the House.

DISTRICT OF COLUMBIA TRAFFIC ACT

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 3802) to amend the act known as the "District of Columbia

traffic act, 1925," approved March 3, 1925, being Public, No. 561, Sixty-eighth Congress, and for other purposes.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the bill be read under the five-minute rule.

Mr. BLANTON. Does not the gentleman want to use a little time on this bill? Does not the gentleman wish recognition?

Mr. ZIHLMAN. No; I do not wish recognition at this time. If the gentleman wishes to make a statement, I probably will want to use some time. Unless the gentleman wishes to discuss the bill now, I shall not use any time.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized for one hour.

Mr. BLANTON. Mr. Chairman and gentlemen, I want to commend the gentleman from Illinois [Mr. RATHBONE], and the gentleman from North Carolina [Mr. HAMMER], and the gentleman from Kentucky [Mr. GILBERT], and other members of the committee who in the last Congress worked hard and laboriously to pass a proper traffic bill for the city of Washington. They did splendid work. The gentleman from Illinois [Mr. RATHBONE] spent much time and gave much attention to the bill. Our House subcommittee framed a proper bill, collaborating with the Senate subcommittee. We had joint hearings before the Senate and House subcommittees. Some of the best traffic experts in the United States came here voluntarily and gave us information. I never heard a better statement in my life than the one given by Doctor Harris, of New York. The joint committee wrote a good bill. It went in on the floor elsewhere and was torn all to pieces. Just here and there were left fragments of the bill which had been prepared.

Mr. HUDSPETH. Will the gentleman yield?

Mr. BLANTON. Yes, gladly.

Mr. HUDSPETH. The gentleman is commending the committee with respect to various bills which the gentleman says have been given careful study. How does the gentleman stand on the bill to cut a thoroughfare through Walter Reed Hospital grounds?

Mr. BLANTON. When the proper time comes, I am going to help the gentleman do what we have already done three times, whip that bill to a frazzle.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LAGUARDIA. Is that the same bill we passed last year?

Mr. BLANTON. We did not pass it last year.

Mr. LAGUARDIA. What happened to that one?

Mr. BLANTON. The House defeated it, as it has done every time. Here is the situation now, gentlemen, relative to this traffic bill, because we must confine discussion to it: The present traffic law gives the director of traffic the right to revoke or suspend a license for a violation of certain of his own regulations, regulations which the Congress gave him the power to enact, as approved by the commissioners, but that is as far as he can go. With respect to the traffic act itself, when there are violations of the provisions of that act, he can not suspend or revoke licenses until the man is convicted in court, and then and only then may he suspend or revoke licenses. He has general power to suspend or revoke licenses for a violation of his own regulations, but he has not any power to revoke licenses with respect to violations of the more serious provisions of the act until there has been conviction.

Now, what is the outcome? There are numerous cases here in Washington where bootleggers have been guilty of offense after offense, serious offenses, and every time they are taken before the court they demand a jury trial. In this way they get their cases put off, and many of them have not been convicted up to this time. They are still committing offenses and still holding their licenses, because there is no authority in the traffic director to suspend their license until they have been convicted.

Mr. TAYLOR of Tennessee. What limitation is there on his authority?

Mr. BLANTON. The only limitation is that every regulation must be approved by the commissioners.

Mr. TAYLOR of Tennessee. Then he could enact a rule that the license of the driver could be suspended?

Mr. BLANTON. It could be suspended if the commissioners approved of it. But he does not want to enact regulations that would be the same as the laws passed by Congress. One of the purposes of this bill is to give him the same authority

to suspend with respect to serious offenses that he has with respect to minor offenses.

In this bill we propose to give the right to appeal to the court. We believe that the party accused should have a right to go to the court and have reviewed the decision of the traffic director, if it ought to be overturned. There is one case here where a man has been arrested about fourteen different times. Almost every serious offense that you could think of has been committed by him, and yet the traffic director has no power to suspend his license, because he has not yet been convicted.

You will remember that a bootlegger early in the morning went by the House Office Building at a rate of 40 miles an hour, caught a poor charwoman on the running board of his automobile, carried her the whole length of the House Office Building, let her fall off the running board dead, and he proceeded on his way into the country.

That fellow is known to the policemen, and yet he has not been indicted, much less convicted, and they can not suspend his license. There was a man who drove down the street, side-swiped a car, caused another automobile to run into a street car, and then he ran his car into Dupont Circle, into the middle of the circle, and was found sitting there honking his horn at the Dupont Fountain, trying to get it out of his way. They could not suspend his license because they have not the proper authority, as he has not been convicted yet.

Mr. LINTHICUM. Does the gentleman think that it was the water he was complaining of?

Mr. BLANTON. He was honking at the fountain to get out of his way. If the gentleman from Maryland did not get out of his way, he would run over him. He has no regard for the rights of the public.

Mr. LINTHICUM. It is like TOM HEFLIN's story about the "quick and the dead."

Mr. BLANTON. Yes; those who are not quick are dead. [Laughter.] Now, gentlemen, Washington is 25 years behind in traffic matters. The little city of Hagerstown is 25 years ahead of Washington in traffic signals. Almost every little village between here and New York has traffic signals and controls the traffic in the interest of the public. We are trying in this bill to give Washington a system like they have in Baltimore. They have a splendid system in Baltimore. We are trying to give them a system like they have in Cleveland, Ohio, where they have a splendid traffic system. We are trying to give them a system something like they have in New York, where they have a splendid traffic system.

The commissioners have forced us to ask for some changes to be made in the bill. In order to have unanimity at the other end of the Capitol we are going to offer some of the amendments which they demand in order to get the bill passed in the Senate.

Mr. OLIVER of Alabama. Do I understand that this bill has the unanimous support of the committee?

Mr. BLANTON. Some part of it has and some part has not. At the demand of the commissioners the committee struck some parts of the bill out, and I am going to ask you to restore them to the bill.

Mr. OLIVER of Alabama. It is a very important measure and action ought to be taken.

Mr. BLANTON. I am going to say this: If we had three commissioners to pass on this matter, we could follow their judgment; but you have a police commissioner, concerning whose judgment the others will not go against, because they do not want to interfere in matters out of their department. So it is a one-man rule. I am going to ask you to write this bill like the traffic director needs it to properly control traffic.

I spent several months here during vacation going over this situation. I have ridden as late as 12 o'clock midnight with the director in my car going over this situation, pointing out things that I have seen, and he pointing out things to me that he had seen. I have worked with him in his office; I have worked with Colonel Moeller down there, who is one of the finest traffic engineers in the United States. We have splendid men in charge of that department, if we will back them up. They have been hamstrung and hounded by some of the press here in the District until it has caused prejudice to lodge in the hearts of Members of Congress against the traffic bureau, when there was no occasion for it.

When Mr. Eldridge was made traffic director he was getting \$7,500 a year as manager for the American Automobile Association here in Washington. He was getting the same salary as a Congressman received until the last raise. The traffic act pays him only \$6,000 per year. He was urged by the people here to accept this position. He was drafted into the job, and he was public spirited enough, he had the interest of his country enough at heart to take this position at a loss of \$1,500 a year to him. He quit a \$7,500-a-year job and

took one at \$6,000 a year, and he has been losing \$125 every month since that time. I do not think we can keep him any longer on \$6,000 a year. I proposed in this bill to pay him \$10,000, just what we receive ourselves, but the commissioners object to that. The commissioners do not want him to receive \$10,000 a year, as they do not receive it, and therefore, yielding to their wishes in the matter, I am going to ask you to amend the bill to pay him \$7,500 a year and his assistant \$6,000. He deserves it. Any expert traffic director for a city comparable with Washington anywhere in the United States gets as much as \$7,500 a year, and I hope the Members will agree to that amendment.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. Did he have to give up his business entirely?

Mr. BLANTON. Yes; he puts in all of his time at this business of traffic direction. He works all day and part of the night on the job. I know that he puts in his time, and you can not get a man anywhere in the United States who gives closer attention to the situation or who is more sincere and earnest about it than is Director Eldridge.

Colonel Moeller is an expert engineer. He is an expert traffic engineer. Do you not think that he ought to receive \$6,000 a year? You can not get an expert traffic engineer for less than \$6,000 a year, and I hope you gentlemen will see fit to pass that amendment.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. I have the amendments to sections 7 and 13 prepared by Mr. Eldridge. They are in concrete form.

Mr. BLANTON. If the gentleman will offer them, I shall be very glad.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DOWELL. We see items in the newspapers occasionally that the police force of the city will not back up the enforcement of the traffic laws. Is that correct? Is there any way that we can correct that?

Mr. BLANTON. I am personally well acquainted with Major Hesse, who is the major and superintendent of the Metropolitan police. He is a splendid gentleman. There never has been any friction between him and Director Eldridge. Director Eldridge and Major Hesse work harmoniously together. They cooperate with each other and collaborate with each other. I do not believe that you will ever have any friction between them. They are both splendid gentlemen. They have the interest of the District at heart, and you will find that they will get along together.

Mr. LINTHICUM. The gentleman is telling us about these various amendments. The gentleman has not told us anything about the one applicable to the Union Station.

Mr. BLANTON. I have an amendment which is prepared to meet that very situation, which will make it unlawful for anyone to rent space in front of the station or in front of any public building. It is prepared so that it will be constitutional and lawful.

Mr. LINTHICUM. The station authorities claim that this land belongs to the Union Station or to the Pennsylvania Railroad system, do they not?

Mr. BLANTON. They claim that, but do so unjustly. The Willard Hotel might claim that the street in front of the hotel belongs to it, but it could not maintain that in court.

Mr. CONNALLY of Texas. But if they dedicate it to the public use, what then?

Mr. BLANTON. They have dedicated it to public use, and the people here have a superior right to the entrance and approaches to and from the station, and I have an amendment so drawn that it will meet the constitutional test.

Mr. LAGUARDIA. That land was given to the railroad for public use, was it not?

Mr. BLANTON. Yes; and it has been dedicated to public use. This is the only Union Station here where the trains come in from every direction.

Mr. LINTHICUM. I am with the gentleman on that. The other day I was down there, and it was difficult to get between those spaces.

Mr. BLANTON. I shall offer an amendment which will take care of that.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. OLIVER of New York. Is there any legal interdependence between Major Hesse and Director Eldridge?

Mr. BLANTON. Major Hesse is over the director of traffic.

Mr. OLIVER of New York. The traffic under Mr. Eldridge is part of the police force?

Mr. BLANTON. Yes. I am one of those who believe that there should be a street traffic head responsible for traffic conditions, but the majority of the committee do not agree with me on that point, and I have yielded my judgment to theirs, because they outvoted me.

I shall not raise that question on this bill, and I am willing to let the control be under the superintendent of police.

Mr. OLIVER of New York. I had in mind just this: The experience in reference to the police in New York is that the traffic squad, being a part of the police department, is the most powerful squad in the stopping of crooks. Every traffic officer is at a fixed place. People know where to go to find them, and I would not want to throw them under the direction of somebody dealing with traffic only and not with the police also.

Mr. BLANTON. My colleague from Illinois [Mr. RATHBONE] and myself studied that for some time to make this a separate head when we framed the other bill, but the committee was not of that opinion. And in deference to the majority of the committee we have arranged it so that the traffic director is still under the superintendent of police.

Mr. LANKFORD. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. LANKFORD. I agree with the gentleman thoroughly in what he said in support of this measure. This is the question I desire to ask, however: Is there any additional protection given to pedestrians aside from the protection given by the revocation of the license?

Mr. BLANTON. Yes; in this way: In every city comparable with Washington the traffic director controls pedestrians the same as vehicles; otherwise they might run in front of the traffic. This bill permits the traffic director to have stop signs which all traffic, including pedestrians, must obey, and all traffic go with the lights and stop with them.

Mr. LANKFORD. Then this is to contribute to the protection of pedestrians in the District?

Mr. BLANTON. Yes, sir; and they have it in every city of comparable size in the United States.

Mr. LANKFORD. And it should be here.

Mr. BLANTON. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman has used 20 minutes.

Mr. ZIHLMAN. Mr. Chairman, I ask that the bill be read under the five-minute rule.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Chair would like to suggest to the gentleman from Maryland, if his committee is unanimous in reference to the part stricken out, it will save a lot of time—

Mr. BLANTON. No; read that, because we expect to perfect that.

The Clerk read as follows:

Be it enacted, etc., That the act known as the "District of Columbia traffic act, 1925," approved March 3, 1925, and being Public, No. 561, Sixty-eighth Congress, be, and the same is hereby, amended as follows, to wit:

"Under the title 'Definitions,' following subdivision (j) of section 2 of said act, there shall be added a new subdivision (k) reading as follows:

"(k) The term 'vehicle' shall apply to any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden."

Mr. BLANTON. I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 8, after the word "added," strike out "(a)" and insert in lieu thereof "(two)," and in line 9, after subdivision (a), insert the following, to wit: "Paragraph (1)," and on page 2, line 3, after subdivision (k), insert the following new subdivision: "(1) Traffic shall be deemed to include not only motor vehicles but also all vehicles, pedestrians, and animals of every description, at rest or in motion, and the director shall regulate and control all traffic upon the streets, alleys, and public highways within the District of Columbia."

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, this is an amendment the traffic department recommends should be adopted. It would permit the traffic department to have control over street cars the same as over automobiles. In other words, the street cars now contend that the present law does not give the traffic department any control over the street cars. They have agreed

to stop at certain lights and they have refused to stop at other lights.

Mr. AYRES. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. AYRES. Under this amendment, if the traffic director wants to adopt it, why was it not put in the original bill?

Mr. BLANTON. It was because some street cars objected to it; that is all.

Mr. HILL of Maryland. This puts the street cars under the control of the director the same as motors and everything else?

Mr. BLANTON. Certainly. Here is the situation. Here is a boulevard running here and here is one running across it, and we are coming down this boulevard along the car track, and that car track crosses here, and here is a red light stop. When we get to this red light the person in the automobile must stop and let the traffic come through, but the street car can keep on going because as they say the law does not apply to them.

Mr. CRAMTON. And if the gentleman will permit, it is the purpose also of the gentleman's amendment to clear the authority—

Mr. BLANTON. Over pedestrians.

Mr. CRAMTON. Over pedestrians?

Mr. BLANTON. Yes.

Mr. CRAMTON. Which was denied by the courts?

Mr. BLANTON. And it also gives control over all animals. One newspaper here in trying to make the department appear ridiculous had a man drive a mule down Sixteenth Street, claiming the director of traffic had nothing to do with a mule, so the traffic director is asking us to pass this amendment so that he would have the same control over making street cars, pedestrians, and animals stop at boulevards that he has now over automobiles and busses. It would have the same control down here at F Street and G Street, when traffic is passing, to have a pedestrian stop until proper signals are given, and then you will not have automobiles and street cars running over pedestrians all the time.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. AYRES. Will this give them authority also to control elephants as well as mules? [Laughter.]

Mr. BLANTON. Yes; elephants and other animals. It will give the department the right to control all traffic. Now they are not controlled.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. This also gives the director of traffic control over pedestrian traffic, does it not?

Mr. BLANTON. Yes; it gives the director control over pedestrian traffic. This amendment has been approved by the traffic department.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. HILL of Maryland. Under this amendment if somebody tries to cross the street in the middle of the block they will be under the control of the traffic director?

Mr. BLANTON. Yes. That is the case in Baltimore and in New York.

Mr. HILL of Maryland. Yes.

Mr. BLANTON. Why not in Washington also?

Mr. HILL of Maryland. Exactly.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TREADWAY. Is this the bill in which we will get control of the stations?

Mr. BLANTON. Yes. The gentleman will have a chance to vote on it. I hope that he will stand hitched on it.

Mr. TREADWAY. I am interested in it.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GILBERT. The gentleman's amendment, I think, should be adopted, undoubtedly; but I wish to take exception to the statement that the gentleman made that the reason why the street cars were not included in the original bill was because the street cars did not want to be. I am sure the members of the committee were not influenced as to street cars. We think they ought to be included. But the present traffic director does not want to have any doubts about it. We included in the original bill horse-drawn vehicles. I have no doubt but that that includes mule-drawn vehicles. But some one, in order to make it ridiculous, tried to drive a mule down the street. The gentleman's statement that street cars were not included because they did not want to be included is in one respect somewhat of a reflection upon the committee.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. May I have one minute more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DOWELL. If this amendment is adopted—and I hope it will be—it will give the traffic department authority to hold automobiles while pedestrians cross the street as well as hold the street cars? In other words, to make it more safe?

Mr. BLANTON. Yes. It gives the traffic department control over all traffic instead of only a part of it. The corporation counsel suggested the necessity of these amendments to meet the various objections there have been raised. It is absolutely necessary that this be passed in order to give the director control.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LINTHICUM. May I ask the gentleman whether the steam-roller committee on the other side of the House would be included under that regulation?

Mr. BLANTON. No; I do not think anything under God's sun could control that steam-roller committee before the next election. [Laughter.]

I want to assure the gentleman from Kentucky [Mr. GILBERT] that some day when he and I are walking down the street together I will tell him what I meant when I said the street cars did not want themselves to be included. There was an influence that kept such control out.

Mr. ZIHLMAN. Mr. Chairman, I would like to be recognized in reference to the amendment. I would like to have the attention of the gentleman from Texas [Mr. BLANTON]. I want to call the attention of the gentleman from Texas to the fact that the director of traffic has already issued a regulation. I have a copy of his regulations here, providing that, "any vehicle, including street cars, upon approaching any boulevard or arterial highway or avenue, or street car on the intersecting street, shall come to a full stop before crossing," with a proviso to the effect that all vehicles shall comply with the direction of the police officer or signaling device.

The traffic law which I hold in my hand gives the director of traffic the power to make regulations, subject to the approval of the commissioners. This section was drawn by the director of traffic and approved by the District commissioners; but when the street-car companies protested against stopping at boulevards or arterial-highway crossings the commissioners stopped enforcing that provision of the traffic regulations. You are now simply giving the director of traffic the power to make more regulations to be approved by the District commissioners, just as in the case of this regulation, and if they do not care to enforce them, you will not be any better off than you are now.

I want to suggest to the gentleman that if he wants to bring about the changes that he proposes in his bill, we ought to write this regulation into law, instead of simply giving the director the power to make regulations to be approved by the commissioners.

Mr. BLANTON. The corporation counsel holds that the rights given to the director before were subject to existing law and that we did not specially mention street cars, and because the street cars contend that the control of them had been placed in the hands of the public utilities the director of traffic would have no right to make any regulation concerning them, and that the regulation which the gentleman read is absolutely a dead letter, and it will be necessary to put in the language of my amendment to give them control over street cars as well as over pedestrians. I think we ought to pass it just as they desire it.

Mr. ZIHLMAN. The District commissioners have the power to regulate street-car traffic. In the very first section of the present traffic act we excluded street cars from the provisions of the act.

Mr. BLANTON. Yes; and that is the reason the street cars will not obey. That exclusion of street cars was written in this bill, and we have never given the director control over street cars up to this good time, and we propose to do it now by this amendment, which the corporation counsel deems necessary.

Mr. ZIHLMAN. I will say that the commissioners do have power under the public utilities act to regulate street cars and other transportation in the city.

Mr. BLANTON. But they do not regulate them. The gentleman does not object to this, does he?

Mr. ZIHLMAN. I do not object to it, except as to pedestrians, and I say that if we want to bring about an improvement of conditions and compel the stopping of these street cars we ought to write it into the law instead of putting it in the hands of the traffic director to make regulations.

Mr. BLANTON. In the gentleman's splendid city of Hagerstown they control pedestrians and they control street cars, and in the splendid little city of Baltimore they control pedestrians and street cars. Why should we not do it in Washington? And this amendment of mine will do it, and the corporation counsel says that it is necessary, and it has met every objection that has been made, and the amendment should pass.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. OLIVER of Alabama. It occurs to me that there is an apparent difference between the gentleman from Texas and the gentleman from Maryland, and that both really have in mind accomplishing the same result. The gentleman from Maryland, however, wishes to place it beyond the power of the commissioners to do away with what the traffic director may regulate, and I think the gentleman is entirely correct.

Mr. BLANTON. The gentleman does not understand the situation.

Mr. ZIHLMAN. I will say to the gentleman from Alabama that the situation is this: That this law, known as the traffic act, gave the director of traffic the power to make regulations, but they must be approved by the District commissioners. He has made a regulation covering the movement of street cars over boulevards and arterial highways, but since the time that the companies protested and showed that they were not under the provisions of the traffic act they have not enforced that regulation. I would be willing to join with the gentleman from Texas in enacting into law this traffic regulation which the traffic director promulgated and the District commissioners approved.

Mr. BLANTON. That is exactly what we want the gentleman to do.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BLANTON. Now, just listen to this part of my amendment and see if it does not give the director full power:

Traffic shall be deemed to include not only motor vehicles but also all vehicles, pedestrians, and animals of every description at rest or in motion.

Now, listen:

And the director shall regulate and control all traffic upon the streets, alleys, and public highways within the District of Columbia.

Is not that substantive power and authority? It says:

And the director shall regulate and control all traffic upon the streets, alleys, and public highways within the District of Columbia.

Now, that is exactly what the gentleman said he wanted to put in, and that is already in.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. OLIVER of Alabama. The gentleman from Maryland seems to be apprehensive lest the commissioners may be able to veto what the director of traffic may attempt to do.

Mr. BLANTON. But this is a substantive law that they can not veto. This is an act of Congress, and they can not veto it.

Mr. ZIHLMAN. I will say to the gentleman that his amendment provides that the traffic director shall make—

Mr. BLANTON. No; that he shall control, not that he shall make. We are giving him here in the House of Representatives the direct power to control, and the commissioners can not veto it. They have no authority over this substantive law.

Mr. CRAMTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield to the gentleman.

Mr. CRAMTON. We have not the text of the whole law before us, but I would not want the statement the gentleman has just made to stand without at least a question about it. As I understand it, elsewhere in the law it is provided that the traffic director may make regulations, but that they must be approved by the commissioners. Hence this subdivision—L, I think it is—while it provides that he may control, he may control only through regulations which must be approved by the commissioners. So it would seem that there is some question

as to the correctness of the gentleman's statement that this subdivision L is giving control to the director of traffic without any approval of his acts by the commissioners. In fact, if his statement is correct, I for one am not prepared to vote for it. I am not yet prepared to give a subordinate official the right to issue regulations at will without their going to the Commissioners of the District of Columbia for approval.

Mr. BLANTON. What I mean is this: Of course the commissioners must approve as to the fines and forfeitures, but this would prevent the commissioners from coming in and saying, "We are not going to regulate the street cars," like they have been doing for 20 years.

Mr. CRAMTON. I agree with the gentleman from Texas on everything until he gets to the point where he seems to be setting up an autocrat here. On the other hand, the suggestion which the gentleman from Maryland makes would not be feasible. It is not feasible to put in the law that street cars must stop at the intersection of Sixteenth and U Streets.

Mr. BLANTON. If the gentleman will yield, the fact is that the commissioners have to approve of these regulations, but they can not veto the control of all traffic.

Mr. ZIHLMAN. But the gentleman said they did not.

Mr. BLANTON. What I said was this: The commissioners have refused to regulate street cars; they have been letting the street cars run over the people here for 20 years. Pass this substantive law, and then the street cars must come under the supervision of the traffic department, and the commissioners are at the head of that traffic department and must obey the order of Congress. They can not deny the congressional will when Congress says the commissioners and the traffic director shall control street cars, and this is substantive law authorizing it.

Mr. ZIHLMAN. I hope the gentleman will not take any more of my five minutes. I will say to the gentleman his amendment simply adds a new definition. It defines the word "vehicles," and this traffic law provides that the traffic director must submit his regulations to the commissioners, and the commissioners must not only approve them, but under the law they have the power to repeal them at any time. So, by this amendment you accomplish absolutely nothing. I do not agree with the gentleman from Michigan [Mr. CRAMTON] that it would not be practicable to write into the law a provision that all vehicular traffic shall stop upon approaching an arterial highway or a boulevard. I think if we want to accomplish this purpose we should do it in this way.

The CHAIRMAN. The time of the gentleman from Maryland has expired. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 44, noes 7.

So the amendment was agreed to.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Maryland [Mr. ZIHLMAN] whether section 2, as printed on page 2 and stricken out, should be read.

Mr. BLANTON. Yes; we want it read by sections because we want to perfect the text of the bill as we go along. Read it by sections and we will perfect as we go along by amendment.

The CHAIRMAN. Let the Chair inquire, then, why this language is stricken out.

Mr. BLANTON. Because the committee has a substitute to offer; but I spoke to the parliamentarian about it and was told it should be read by sections, under rulings previously made by Mr. Crisp and by Mr. Fitzgerald.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Under the title "Director of traffic—Regulations," subdivision (a) of section 6 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 6. (a) The commissioners are hereby authorized to appoint a director of traffic, who shall perform the duties prescribed in this act and such additional duties, not inconsistent therewith, in respect of the regulation and control of traffic in the District, as the commissioners may require, whose term of office shall be six years and whose salary shall be \$10,000 per annum. The commissioners are hereby further authorized to appoint an assistant director of traffic, who shall be the traffic engineer, whose term of office shall be six years and whose salary shall be \$7,500 per annum. The commissioners are hereby authorized to appoint such employees recommended as necessary by the traffic director as they may deem requisite for the purpose of carrying out the provisions of this act, or the regulations enacted thereunder, and whose salaries shall be fixed in accordance with the classification act of 1923. The director, his assistant, or any other employees of such office may be removed for cause by said commissioners. The director shall maintain and operate a bu-

reau for the registration of motor vehicles, the issuance of identification tags and registration certificates, and for the examination of applicants for operators' permits, and for the issuance of operators' permits to qualified applicants."

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is this an amendment to the committee amendment?

Mr. BLANTON. No; it is an amendment perfecting the section. We do not reach the committee amendment until we get to the end of the bill.

Mr. ZIHLMAN. Mr. Chairman, may I call the attention of the Chair to the fact that the committee's amendment should be voted on first.

Mr. BLANTON. Mr. Chairman, the committee's amendment is just one amendment to strike out certain parts of the bill and insert a substitute.

The CHAIRMAN. Let the Chair see whether he understands the situation. The Chair supposes by the print here that the committee recommends striking out the entire bill and substituting what appears on page 14.

Mr. ZIHLMAN. But there is language on page 2 which the committee has just voted upon.

The CHAIRMAN. Is the committee recommending the adoption of page 2, section 6 (a), or do they recommend that that be stricken out?

Mr. ZIHLMAN. The committee recommends that that be stricken out.

Mr. BLANTON. Here is the situation, Mr. Chairman. If the committee had stricken out all of the bill after the enacting clause and proposed a substitute, then the committee's proposal would follow the first section, with the committee substitute, as an amendment to the first section proposed to be stricken out, with notice about other sections, and so forth, but under rulings made by Mr. Crisp, of Georgia, and Mr. Fitzgerald, of New York, who used to be chairman of the Committee on Appropriations, they and other chairmen have held that when the committee leaves in part of a bill, like they have here on page 1, and merely proposes to strike out part of the bill with a substitute, you can perfect each section as you go along, and then the committee or the House may not want to support the committee substitute. Therefore we should perfect each section until you get down to the one affected by the committee substitute, and that is what we are proposing to do now. We are perfecting each section as we go along, and therefore it should be read by sections.

The CHAIRMAN. Section 6 (a) has already been read.

Mr. BLANTON. Yes; and I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment to section 6 (a) of section 2, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 13, strike out "\$10,000" and insert in lieu thereof "\$7,500"; and in line 16, strike out "\$7,500" and insert in lieu thereof "\$6,000"; and on page 3, line 1, after the word "vehicles," insert the words "and vehicles drawn by animals."

Mr. BLANTON. I ask for recognition, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ZIHLMAN. The gentleman offers amendments which he terms perfecting amendments to this paragraph of the bill. The committee reporting the bill recommended that this section be stricken out. Does not the committee amendment come first?

Mr. BLANTON. The committee amendment is just one amendment offered as a substitute.

The CHAIRMAN. The motion to strike out is not in order until the paragraph is perfected. A perfecting amendment can first be offered, and then the whole section as perfected, if the committee votes to perfect it, can then be stricken out.

Mr. BLANTON. Mr. Chairman, this section is one that was approved by the traffic department with the exception of the salary. They made no recommendation at all about a change of salary. The only part of this section I had anything to do with writing was with respect to the proposed change in salary. I think we ought to pay this expert traffic director \$10,000, and I think we ought to pay the expert traffic engineer \$7,500, but the commissioners say they do not want that much paid, hence I am proposing by this amendment to pay the director \$7,500 and the traffic engineer \$6,000.

Mr. HULL of Tennessee. Will the gentleman yield for a question in that connection?

Mr. BLANTON. Yes.

Mr. HULL of Tennessee. What salary is paid to directors in cities comparable in size with Washington?

Mr. BLANTON. I understand that some directors get even more than I propose, in the large cities. That has been my understanding. What do they get in New York?

Mr. LA GUARDIA. Doctor Harris does not get any salary.

Mr. BLANTON. He is one of these philanthropic public officials and is worth \$25,000 a year to New York, and the gentleman knows it.

Mr. LA GUARDIA. Yes.

Mr. BLANTON. Doctor Harris came here at his own expense to testify before our committee and made one of the finest statements I ever heard.

Mr. LA GUARDIA. He is an enormously wealthy man, of course.

Mr. CRAMTON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. The gentleman is proposing a salary of \$7,500 for the director?

Mr. BLANTON. Yes; because the commissioners would not agree to \$10,000.

Mr. CRAMTON. And \$6,000 for the assistant director?

Mr. BLANTON. Yes; \$6,000 for the assistant, Colonel Moeller, although I think he should be paid \$7,500.

Mr. CRAMTON. Can the gentleman state what is the salary of the chief of police here?

Mr. BLANTON. I am not sure.

Mr. CRAMTON. I have the impression it is \$5,200.

Mr. BLANTON. I am not sure.

Mr. CRAMTON. My information is \$5,250. What does the chief health officer of the District get?

Mr. BLANTON. I think the gentleman is mistaken about the salary of the chief of police. He comes under the same classification as the chiefs of bureaus, who, as the gentleman knows, have been raised under the classification act.

Mr. CRAMTON. No; the Chief of the Bureau of Mines does not necessarily get \$7,500. The gentleman is mistaken about that. Does the gentleman know the salary of the health officer of the District?

Mr. BLANTON. I am not sure about it.

Mr. CRAMTON. My information is it is not above \$5,000. Would the gentleman favor increases for all of them?

Mr. BLANTON. No; unless they render as good service as the director. I want to ask the gentleman how he voted the other day on the Watson-Parker bill to pay \$12,000 salaries for certain conciliators—did not he vote to pay them \$12,000?

Mr. CRAMTON. I really believe that it is a greater task to regulate the traffic of the United States than it is to regulate the traffic of the city of Washington. The Watson-Parker bill dealt with the whole traffic of the United States.

Mr. BLANTON. You gentlemen know that I am in favor of economy. I work as hard as any of my colleagues to save the Government money, because I work all the time—and a man can not work any more. But I have realized that if you are going to keep these experts, men like Mr. Eldridge, you must pay him as much as he can easily get in a dozen different jobs or you are going to lose him, and you will get somebody else who will not be as good.

Mr. Eldridge formerly got \$7,500 in Washington when he was associated with the American Automobile Association, and it only occupied a few hours of his time. Do you think you could get a man of Mr. Eldridge's capabilities for \$6,000 to work night and day—and he does work night and day—when he can easily command \$7,500 in many other positions? You are not going to get a man who will work like he does for \$6,000; he ought to be paid the \$7,500.

Mr. BLACK of Texas. How much does the engineer get?

Mr. BLANTON. Four thousand dollars.

Mr. HILL of Maryland. What is the compensation of the District commissioners?

Mr. BLANTON. Seventy-five hundred dollars, and they do not want the director of the traffic to get more than they do. I have offered the amendment cutting it down to \$7,500. I appeal to the distinguished gentleman from Tennessee, who knows him—who is well acquainted with him—and I want to say that you could not get an expert from Michigan to come here and take his job for less than \$7,500.

Mr. CRAMTON. The gentleman from Texas assumes that my question indicated that I was opposed to increasing the salary. I was asking the gentleman whether he would favor raising the salaries of the others in the same proportion—the chief health officer and the chief of police. I recall the fact that some years ago, when it was proposed to give the engineer commissioner \$7,500, because of a point of order made by the gentleman from Texas we were not able to give the engineer commissioner \$7,500.

Mr. BLANTON. I will tell the gentleman about that. The trouble with the engineer commissioner was that he did not

know a thing about public utilities, because he did not have the time. I want a man who has the time. Mr. Eldridge has learned the business and devoted all of his time to it, and is an expert on the job.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OLIVER of Alabama. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. OLIVER of Alabama. I do not think the gentleman from Michigan is opposed to increasing the salary to \$7,500. There is no more important position in the District than that of traffic director. It is important to have a man of high character and ability, who is industrious and interested in the conservation of life, and it occurs to me that Mr. Eldridge has shown ability of that type.

Mr. CRAMTON. I would like an answer to my question from the gentleman from Texas—would the gentleman favor increasing the salary of the chief health officer and the chief of police?

Mr. BLANTON. If the chief health officer would become as efficient and would put in as much time on the job as Mr. Eldridge, I would agree to raise his salary to \$7,500. If the engineer commissioner would put in all of his time on the business of the people and not neglect matters, I would be willing to raise his salary, but I am not willing until he shows a little more efficiency and knowledge of his work.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment to the amendment—to strike out \$6,000, salary of the engineer, and make it \$5,000.

Mr. BLANTON. If my colleague insists on that, I will not oppose it.

Mr. ZIHLMAN. Mr. Chairman, I rise in opposition to the amendment.

The Clerk read as follows:

Amendment by Mr. BLACK of Texas to the amendment offered by the gentleman from Texas [Mr. BLANTON]: Strike out in line 16, page 2, "\$6,000" and insert in lieu thereof "\$5,000."

Mr. ZIHLMAN. Mr. Chairman, this District of Columbia traffic act is now just a year old. In that bill the committee which considered the bill in the House and the conference committee having the measure in charge—and the gentleman from Texas [Mr. BLANTON] was a member of the conference committee—provided that the salary of these officials should be fixed in accordance with the classification act, and these two officials have been so classified. To come in here now 8 or 10 months after the appointment has been made and attempt, first, to raise the salary from \$6,000, as fixed by the classification commission, to \$10,000, and now \$7,500, seems to me to be bad practice.

Mr. HULL of Tennessee rose.

Mr. ZIHLMAN. Just a moment. The director of traffic is an able man, but he took this position less than a year ago at a salary of \$6,000. I believe he has a great work before him, and I believe that he should carry out that work of making the streets of Washington safe for pedestrians and vehicular traffic, and before we attempt to raise salaries I do not believe that we are going to get any better result by coming in here eight months after the law is in operation and raising his salary. I yield to the gentleman from Tennessee.

Mr. HULL of Tennessee. The question I desire to ask is, regardless of the individual side of the matter, Does the gentleman think that it would be possible to procure and keep a really competent and efficient director of traffic for less than something around \$7,500 a year?

Mr. ZIHLMAN. Mr. Eldridge accepted this position, knowing that the salary was fixed \$800 above that of the chief of police, to whom he is at the present time subordinate. If we are going to raise this salary, we ought to raise the salary of the chief of police and the fire marshal of the District of Columbia and should not single out one or two individuals in the District government.

Mr. HULL of Tennessee. My question did not relate to the individual, but to the policy, in respect to what level of salary would really be necessary to secure a really competent director of traffic.

Mr. ZIHLMAN. We have a very capable man, I think, in the position at present. I do not think he is the type of man who would accept that position, having a silent reservation in his mind that if the salary was not increased he would not stay there. I think Mr. Eldridge is interested in his work and is trying to do a good job. I have the greatest respect and admiration for him, but I do not believe we will bring

about any better condition by raising his salary \$2,300 over that of the chief of police.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. HILL of Maryland. How much does he get now under the present classification?

Mr. ZIHLMAN. Six thousand dollars per year.

Mr. BLANTON. He gave up a job at \$7,500 a year with the American Automobile Association.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. KETCHAM. Is the gentleman in possession of any information as to the salaries paid to similar officials in other cities of comparable size to that of Washington?

Mr. ZIHLMAN. I am not.

Mr. KETCHAM. Did such information come to the attention of the committee at all?

Mr. ZIHLMAN. No. The committee did not think it advisable at this time to raise these salaries. We struck out the section, and now the gentleman who agreed to strike out the section in order to get the bill on the floor comes before the House with a perfecting amendment in the sum of \$7,500.

Mr. CRAMTON. Mr. Chairman, I rise in opposition to the amendment. The classification act fixes the various salaries. After the Committee on the District has refused to touch the matter of salaries the gentleman from Texas offers an amendment to raise these two salaries. To my mind the salary which the gentleman from Texas proposes would be entirely out of place as compared with the salaries paid other officials of the District who do work of equal importance, if not of greater importance. Whenever the District of Columbia committee chooses to bring in a bill adjusting salaries of important officials in the District I imagine that I shall support that bill, because then it will be a matter of fairness to all concerned, but to single out this newly created official, the director of traffic, and give him a salary of \$7,500 a year, when he is subordinate to the chief of police, who is getting only \$5,250 a year, I do not believe is either good business or wise policy.

Mr. BLANTON rose.

Mr. CRAMTON. Oh, I know the gentleman from Texas would not agree with me at all about that. The gentleman from Texas thinks that the traffic director should be taken entirely from under the chief of police. That is his policy, and this is one way of accomplishing it. When you give this official \$7,500 and the chief of police only \$5,250 you are in effect saying that he is greater than his commanding officer. That is what the gentleman from Texas wants.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. In a moment. I do not believe that is good policy. I think that in the long run we will have our laws better enforced in the District of Columbia, including traffic regulations, if we have one police organization with one man at the head of it and with subordinates under him. I yield to the gentleman.

Mr. BLANTON. I learned that from the gentleman from Michigan [Mr. CRAMTON]. The gentleman from Michigan every year here has been voting to give \$12,000 in salary to the members of the Shipping Board and the Emergency Fleet Corporation and then voting to pay men under them—subordinates—as much as \$25,000 a year. The gentleman from Michigan taught me that policy. I learned it from the gentleman and his party. They pay the members of the Shipping Board \$12,000 a year and some of the subordinates to them \$25,000 a year.

Mr. CRAMTON. I am delighted if I have taught the gentleman anything. I should not have realized it, and, in fact, I am not sure that he got the lesson straight.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. CARTER of Oklahoma. I was just going to ask the gentleman from Texas if he cited the splendid amicable disposition of affairs in the Shipping Board as a reason why we ought to change some other branch of the Government?

Mr. CRAMTON. I do not understand the gentleman from Texas meant that as an example. He thinks that it is simply an error on my part, and I do not want the gentleman to follow any errors of mine. Mr. Chairman and gentlemen of the committee, to raise this salary at the present time, to single out one here and there, in the first place weakens the classification system and, secondly, weakens and destroys discipline in the departments. [Applause.]

Mr. REID of Illinois. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, \$7,500 is not half enough to pay the traffic director who is now in office. I never saw the gentleman—I would not know him

if he were sitting in the gallery or seated on the floor—but under the last amendment you adopted you gave that traffic director more power than all the commissioners combined. You gave him more power than any other person or set of persons in the District of Columbia. You not only gave him control of the vehicular traffic but control of persons operating as human vehicles by foot on all streets and alleys in the District; so that \$7,500 is not nearly enough to pay for this important office. I think he is underpaid, and he ought to be paid more than the District Commissioners. In my short time on the District of Columbia Committee, I do not think that the commissioners earn \$5,000, let alone \$7,500.

A specialist like Mr. Eldridge is worth that amount of money. The gentleman from Texas and myself do not always agree, but the gentleman and myself agree in this case that this man should be paid \$7,500 or more, because he has a most important position in the District. He protects the lives and limbs of children, of yourself and your family, on foot as well as in vehicular traffic. I am in earnest when I say that the amendment ought to be \$10,000 instead of \$7,500.

Mr. KETCHAM. Will the gentleman yield?

Mr. REID of Illinois. I will.

Mr. KETCHAM. Can the gentleman give any figures as to the salary paid like officials in other cities of a comparable size?

Mr. REID of Illinois. My idea of this is that this is special work and ought to command more salary than that of a chief of police or other municipal officer.

Mr. KETCHAM. But the gentleman has no specific figures?

Mr. REID of Illinois. No; I would regard it as a special case. [Applause.]

Mr. GILBERT. Mr. Chairman, I rise to speak in opposition to the pro forma amendment. I do it simply to make this explanation: The reason why this committee has not this information is because we refused to go into the subject. As said by the chairman, just a year ago we framed this traffic act. It went into operation, and in its operation there were certain defects shown to exist. We declined to rewrite the traffic act, and the reason why you see all stricken out except one or two paragraphs was because we did not go over this matter, because it was the opinion of the committee that it would be more applicable at some other time on some other bill; and the purpose of asking the House at this time to consider this bill was to correct those defects which the operation of the bill even in its short life had disclosed. That is why we can not furnish this information. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the Chair announced the noes seemed to have it.

Mr. BLACK of Texas and Mr. BLANTON. Division, Mr. Chairman.

Mr. BLANTON. Is that the Black amendment?

The CHAIRMAN. Yes.

Mr. BLANTON. I will withdraw the demand for a division.

Mr. BLACK of Texas. I asked for a division. May we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The question was taken; and there were—ayes 6, noes 36.

So the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. ZIHLMAN) there were—ayes 33, noes 23.

The CHAIRMAN. The Chair chooses to vote "aye," making 34. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

Mr. CHALMERS. Mr. Chairman, there are quite a number of us who do not know what we are voting on.

Mr. BLANTON. I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

The committee divided; and the tellers (Mr. ZIHLMAN and Mr. BLANTON) reported that there were—ayes 46, noes 55.

So the amendment was rejected.

The CHAIRMAN. The Chair would like to direct the attention of the chairman of the committee to what appears to be a rather difficult proposition. As the present occupant of the chair understands it, the chairman of the committee prefers to go on through and then offer amendments to the various sections after he is through.

The bill is being read by sections for amendment, and, of course, if nobody would make a point of order there would be no trouble. But the Chair is of opinion that you might encounter difficulty if you passed section 2 as a completed section, and after the bill is through you would have to offer substitutes for the various sections of the bill that have already been passed upon.

Mr. CRAMTON. As I understand, the ruling of the gentleman temporarily occupying the chair when the Blanton amendment was offered was that a motion to strike out section 2 was an amendment in itself. The question now before the House, I believe, is the question of concurring in the committee amendment to section 2.

The CHAIRMAN. The opinion of the present occupant of the chair is that that is correct, but the Chair is under the impression that the gentleman from Maryland [Mr. ZIHLMAN] asked to have it done otherwise.

Mr. ZIHLMAN. I contend that the striking out of these various sections is one amendment and that the vote should be taken later on the action of the committee.

The CHAIRMAN. If the gentleman from Maryland does proceed in that manner the Chair fears that he may encounter obstacles when he undertakes to do what he wants to do, namely, to offer the committee amendment as a substitute for section 2, which has been passed upon and adopted by the committee. The Chair feels that the procedure suggested by the gentleman from Michigan [Mr. CRAMTON] should be followed; and then if the amendment is carried, or if it is not carried, the committee amendment to section 2 would be in order. It seems to the Chair that that is the orderly way to proceed.

Mr. DOWELL. The thing that is before the committee is the committee amendment. The Chair put that amendment.

The CHAIRMAN. Did the gentleman from Massachusetts [Mr. TREADWAY] make a positive ruling when he was occupying the chair?

Mr. TREADWAY. I looked at the precedents and the rules; but I suggested the gentleman from Maryland, while occupying the chair temporarily at the request of the gentleman from Ohio [Mr. BAGE], that perfecting amendments could be offered before a motion to strike out.

The CHAIRMAN. The Chair is entirely in accord with that.

Mr. TREADWAY. Then the question comes as to where these various paragraphs should be stricken out. I am in accord with the contention of the gentleman from Iowa [Mr. DOWELL] that the time to strike out a section or paragraph is when the reading has been completed. But it is claimed by the gentleman from Texas [Mr. BLANTON], among others, that under various rulings it can be done after the entire bill is read for amendment. It does seem to me a logical way to proceed. The bill is being read by sections, and if anything is to be stricken out it should be stricken out rather than to assume that you are adopting it.

Mr. DOWELL. By unanimous consent the Chair itself put this amendment before we proceeded.

The CHAIRMAN. The vote now is on the committee amendment to strike out section 2.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The committee has but one amendment, to strike out and substitute. That is the only amendment it has, to strike out certain parts of the bill, not after the enacting clause, which is the usual procedure, but after several paragraphs of the bill the motion is made to strike out the balance of the bill and insert one amendment. Now, that is not a separate motion of the committee to strike out each paragraph. There is just one amendment, and that is to strike out, after a certain paragraph of the bill, all the balance, and to substitute something else by the committee. Now, it is in order to move to strike out each paragraph as read, because it will give a chance to the committee to perfect it, and if it does not, it might not want to strike out and make a substitute. That has been held time and time again.

Mr. DOWELL. The committee has already undertaken to perfect this paragraph and has failed, and now the question is to strike out the paragraph.

Mr. BLANTON. The action of the committee is to strike out the whole paragraph at one time and substitute another proposition.

The CHAIRMAN. The Chair is ready to rule. There is no information available to the Chair other than what is contained in the bill and the report. The bill, as the Chair stated a moment ago, is being read by sections for amendment, and at the completion of the reading and amendment of a section it is always in order to offer a motion to strike out. The Chair's information is that the committee has an amendment to strike out section 2. The Chair overrules the point of order.

Mr. BLANTON. Mr. Chairman, I ask to be heard on the committee amendment.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, I want to ask my colleague how many bites at one cherry do we want to take? This is the only opportunity we probably shall have to write proper traffic amendments that will perfect the present traffic law. The only chance is to do it now. Unless we do it now we can not do it at all, as Congress soon will adjourn. Under the present law Mr. Eldridge, the traffic director, receives only \$5,600. I said before that he got \$6,000. I am corrected by one of my colleagues from Tennessee who says the traffic director now gets only \$5,600. I thought all the time that he got \$6,000 under the present law. He is a high-class man. He ought to get \$10,000. He is worth just as much to this Government as I am, and I get \$10,000. He is just as capable a man as you will find on this floor. He gives all his time to the Government. He works all day and many times at night on this traffic proposition. The life of every poor woman and every little child in this District is in his keeping, and approximately 100 of them are killed every year on the average.

Do you want to refuse to pass an amendment that would increase the salary and keep a proper man in the place? Do you want the present director to quit, and then let some inefficient man be put there who will let the lives of women and little children continue to be taken every year? It may be my wife or your wife. The next one that is run over may be my little child or your little child. I happen to remember that the distinguished Senator who blocked this bill in the Senate before, the night of the very day he blocked it, was run over in front of the Willard Hotel when he was standing on one of those platforms. He was run over and came very nearly being killed. This may come home to us.

Can you expect, in a metropolitan city like Washington, to get a high-class man and an expert on traffic to work for \$5,600 a year? The American Automobile Association saw fit to pay him \$7,500 annually. He gave up a \$7,500 job to take this \$5,600 position through patriotism. Now, why should we not pay him an increase in salary and hold him? Why should we not pay Colonel Moller, his traffic engineer, a reasonable salary? You can vote it down and you can get a less efficient man in his place, because I make this as a prophecy: I do not believe you will hold Mr. Eldridge here at any such salary; I do not believe you will hold Colonel Moller here at any such salary as you are paying him now. You will get less efficient men, and the traffic deaths may double in the coming year.

Why not pay them a reasonable salary? Oh, you do not hesitate to pay some men \$12,000. When the Shipping Board bill comes in you do not hesitate to pay salaries of \$25,000. When the Department of Justice bill comes in and when the Attorney General of the United States gets only \$12,000—you do not fail to pay some big salaries, ranging up to double what the Attorney General gets, for positions in the Department of Justice, when the Attorney General gets a smaller salary. But you want to balk here because our friend from Michigan says it is more than somebody else in the District gets.

I want to submit to my colleagues in conclusion that you now have a chance to keep an expert, efficient, and capable man in this position. He is sincere; he is giving every bit of his time to the Government in an effort to stop these traffic accidents. Why not pay him a reasonable and fair salary?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. UNDERHILL. Mr. Chairman, I move to recommit this bill to the committee, and I want to be heard on the motion.

The CHAIRMAN. The gentleman's motion is not in order at this time.

Mr. UNDERHILL. Then I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. UNDERHILL. Mr. Chairman, I am as much interested in this traffic bill, and was in the one which we passed at the last session, as probably any Member of Congress, but I want to keep faith, and I want to keep my word. An agreement was entered into in the committee, and the gentleman from

Texas agreed, to take this bill and to offer one amendment, which appears as a committee amendment on page 14, in order that we might get some necessary legislation which would correct, in part at least, the conditions which exist in Washington. This committee amendment seeks to accomplish practically all that is necessary at the present time. I will not take the time to read the amendment, but each and every one of you can read it for yourselves.

Now, it is unfair when any group, either in committee or outside of committee, makes an agreement with another group on a piece of legislation to go back on that agreement, because they have that right on the floor of the House. They may have a legal right, but they have not a moral right to do so. I wish my motion were in order and that this bill might be referred back to the committee, and then we would thrash it out in the committee. I am not going to vote on these propositions. I have not yet voted on one of them, and I am not going to vote on one of them and break faith with the District Commissioners and break faith with the committee. I think that the procedure thus far is all wrong.

Mr. BLANTON. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. BLANTON. Did I not give notice to the committee that I expected on the floor of the House to put these propositions before the Members of the House?

Mr. UNDERHILL. The rules of the House prevent my saying what occurred and happened in the committee, but I will say that I for one, and I understood every other member of the committee, agreed to the proposition of accepting this amendment in order that we might get necessary legislation on the statute books, and I for one believe we ought to stick to that.

Mr. TREADWAY. Mr. Chairman, I move to strike out the enacting clause. I am in hearty sympathy with my colleague [Mr. UNDERHILL] who has just spoken. The situation appears to me to be about like this: In some way or other a bill came out of the Committee on the District of Columbia striking out all but a very brief first section; lines are stricken out throughout the entire bill, and an amendment is offered in the form of a new section, which the gentleman from Massachusetts says practically covers the intent of the committee. Then the gentleman from Texas, a member of the committee, objects to the consideration of the committee amendment but demands the reading of a bill which evidently the Committee on the District of Columbia does not back up. They are not here advocating the adoption of their own bill. That is the situation we find ourselves in. Then the gentleman from Texas says he wants to perfect the old text, that the committee is not submitting to the House. There is a mix up. Then, on top of that, there is still further trouble as to just where we are going to end up in considering these various paragraphs and sections, whether to vote them out serially or all together.

Therefore, at quarter past 2, we find ourselves in a situation where from a parliamentary point of view we are evidently going to continue this discussion indefinitely and then kill the bill. Consequently, I move that we strike out the enacting clause, give the Committee on the District of Columbia a chance to start with a clean slate, and then they can report a bill and we will know whether the committee is advocating it or whether one member of the committee is advocating it or whether they want to kill the whole proposition. What is the House going to vote on if we keep this up all day?

Mr. COLTON. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. COLTON. If the gentleman's motion prevails, will we have an opportunity again to vote on this proposition?

Mr. TREADWAY. The Committee on the District of Columbia can then consider any amendments they wish to make to the traffic act.

Mr. COLTON. I was interested in what the gentleman said a while ago about correcting conditions down here at the Union Station.

Mr. TREADWAY. That condition has been going on for several years and we can wait until another District day and let the Committee on the District of Columbia tell us what they are advocating and what they are not advocating. What does the House know about the attitude of the committee at this time?

Mr. UNDERHILL. If the committee brings in such a bill on the next District day, would a point of order lie against the bill because the enacting clause had been stricken out?

Mr. TREADWAY. I can not rule on that point, but I should not think so. It would be new matter.

Mr. UNDERHILL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERHILL. I would like to submit to the Chair the question whether, if the pending motion prevails, it pre-

cludes the District of Columbia Committee from bringing in an amended bill for the entire session.

Mr. TREADWAY. The whole subject matter of any amendment to the traffic act of last year would then be before the Committee on the District of Columbia.

Mr. DOWELL. At any rate, the present chairman would not be able to bind the committee at the next hearing of the bill.

Mr. UNDERHILL. I want to know about that point.

The CHAIRMAN. The rule is very plain on the parliamentary inquiry raised by the gentleman from Massachusetts [Mr. UNDERHILL]. If the committee should concur in the motion of the gentleman from Massachusetts to strike out the enacting clause, then when the committee goes into the House, just before the motion is put to strike out the enacting clause, a motion to recommit the bill to the committee has preference.

Mr. TREADWAY. We can then recommit.

Mr. DOWELL. May I inquire of the gentleman from Massachusetts—

Mr. TREADWAY. If my time has not expired, I yield to the gentleman from Iowa.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BLANTON and Mr. GILBERT rose.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Texas is recognized, and the Chair will later recognize the gentleman from Kentucky.

Mr. BLANTON. Gentlemen, unless we pass a traffic bill now and get it over to the Senate there will be no chance to pass one this session, and in order to enact one I am going to join with the committee and ask you to adopt the committee amendments following the amendments we have already adopted. Let the gentleman from Maryland [Mr. ZIEHLMAN] offer his amendment now to substitute for the rest of this bill the committee amendments and we will pass them, and then at the end of the bill, I will state to the gentleman from Massachusetts, I will offer my amendment about the depot, and then we will have a fairly good traffic bill. The only reason I have been offering these amendments is because the traffic department needs them.

Mr. TREADWAY. Mr. Chairman, let us understand the situation, so there will be no further complication, if the gentleman will yield.

Mr. BLANTON. I will state the situation. If the gentleman will withdraw his motion to strike out the enacting clause, let the gentleman from Maryland [Mr. ZIEHLMAN] make a motion, which is in order now, to strike out paragraph 2 of the bill and insert the committee's amendments, and give notice that he will strike out the rest of the bill in case the committee substitute is adopted. We will then adopt the committee amendments, and I will offer my amendment, which the gentleman spoke of, at the end of the bill, and we will have a fairly good traffic bill. Is that satisfactory?

Mr. TREADWAY. Let me understand. There is nothing to go into this bill from section 2, page 2, where we are now reading, until we get over to page 14.

Mr. BLANTON. Yes; except what we have already adopted.

Mr. TREADWAY. That is all right. We have adopted section 1.

Mr. BLANTON. And we have adopted an amendment put in here from the floor by a large vote with respect to control of street cars and pedestrians.

Mr. TREADWAY. All right; but as to section 2 there will be no section 2, and nothing further will go into the bill until we get to page 14.

Mr. BLANTON. Except the amendment we have adopted and the committee amendments and my amendment concerning monopolies.

Mr. TREADWAY. Certainly; that is understood. We then come to section 2, on pages 14 and 15, in italics, offered by the gentleman from Maryland.

Mr. BLANTON. Offered by the gentleman from Maryland, which we will adopt, and then we will offer nothing except my amendment against monopolies.

Mr. TREADWAY. That is satisfactory, and I ask unanimous consent to withdraw the motion to strike out the enacting clause.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the motion to strike out the enacting clause. Is there objection?

Mr. CRAMTON. Reserving the right to object, Mr. Chairman, which I shall not do. If the gentleman will permit, to avoid any confusion—I do not think the gentleman from Massachusetts understands that the chairman of the committee [Mr. ZIEHLMAN] has a sort of substitute here which he pro-

poses to offer. It is not the same text as is in the bill, but is a substitute for it.

Mr. BLANTON. That is agreeable to me.

Mr. TREADWAY. Then let us have it understood that the gentleman from Maryland is to offer a satisfactory section 2.

Mr. BLANTON. That is agreeable to the gentleman from Texas.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ZIEHLMAN. Mr. Chairman, I move that section 2 be stricken, and I serve notice if that motion is adopted I will offer a substitute for section 2 on page 14 of the bill.

The CHAIRMAN. If the gentleman from Maryland will permit, the Chair would suggest he put his motion in the form that section 2 be stricken out and the following sections be substituted, with notice that if the motion is carried he will then move to strike out the rest of the bill.

Mr. ZIEHLMAN. I offer the substitute, Mr. Chairman, which I send to the desk.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. ZIEHLMAN moved to strike out section 2 of the bill and substitute the following:

"SEC. 7. (a) Upon application made under oath and the payment of the fee hereinafter prescribed, the director is hereby authorized to issue a motor-vehicle operator's permit to any individual who, after examination, in the opinion of the director, is mentally, morally, and physically qualified to operate a motor vehicle in such manner as not to jeopardize the safety of individuals or property. The director shall cause each applicant to be examined as to his knowledge of the traffic regulations of the District and shall require the applicant to give a practical demonstration of his ability to operate a motor vehicle within a congested portion of the District, and in the presence of such individuals as he may authorize to conduct the demonstration, except that upon the renewal of any such operator's permit such examination and demonstration may be waived, in the discretion of the director. Should the director believe that the issuance or reissuance of a permit in accordance with the provisions of this resolution may prove a menace to public safety, he may, in his discretion, refuse the issuance or reissuance thereof. Operators' permits shall be issued for a period not in excess of three years, and shall be renewable for periods of three years upon compliance with such regulations as the director of traffic may prescribe. The fee for any such permit shall be \$3. In case of the loss of an operator's permit, the individual to whom such permit was issued shall forthwith notify the director, who shall furnish such individual with a duplicate permit. The fee for each such duplicate permit shall be 50 cents. No operator's permit shall be issued to any individual under 16 years of age, and no such permit shall be issued to any individual 16 years of age or over but under 18 years of age, for the operation of any motor vehicle other than a passenger vehicle used solely for purposes of pleasure and owned by such individual or his parent or guardian, or a motor cycle, or a motor bicycle.

"(b) Each operator's permit shall (1) state the name and address of the holder, together with such other matter as the director may by regulation prescribe, and (2) contain his signature and space for the notation of conviction for violations of the traffic laws of the District.

"(c) Any individual to whom has been issued a permit to operate a motor vehicle shall have such permit in his immediate possession at all times when operating a motor vehicle in the District, and shall exhibit such permit to any police officer when demand is made therefor. Any individual failing to comply with the provisions of this subdivision shall, upon conviction thereof, be fined not less than \$2 nor more than \$40: *Provided*, That this shall not apply to transient visitors from States in the Union which do not require drivers' permits.

"(d) Permits issued in accordance with the provisions of this act to individuals in possession of operators' permits issued to such individuals in the District prior to the enactment of this resolution may be issued with or without the examination and practical demonstration provided in subdivision (a) of this section, as the director may deem advisable.

"(e) No individual shall operate a motor vehicle in the District, except as provided in section 8 of the act of March 3, 1925, without having first obtained an operator's permit issued under the provisions of this resolution. Any individual violating any provision of this subdivision shall, upon conviction thereof, be fined not more than \$500 nor imprisoned for not more than one year, or both.

"(f) Nothing in this act hereby amended shall relieve any individual from compliance with the act entitled 'An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire,' approved January 29, 1913.

"(g) This act shall become effective immediately upon passage, and promptly thereafter the director shall commence the call of out-

standing permits and the reissuance thereof in accordance with the provisions of this resolution and shall complete such reissuance within a period of one year.

"Sec. 13. (a) Except where for any violation of this act revocation of the operator's permit is mandatory, the director or any assistant whom he may designate for the purpose may revoke or suspend an operator's permit for any cause which he or such assistant may deem sufficient: *Provided*, That any individual whose permit shall be denied, suspended, or revoked by the director or such assistant for any cause not made mandatory by this act may appeal to the Court of Appeals of the District of Columbia, and the decision of such court shall be final; *Provided further*, That an appeal to the said court shall not operate as a stay of such order of the director or his assistant."

Mr. ZIHLMAN. Mr. Chairman, as I understand it, this substitute offered by me is a substitute for the new language on pages 14 and 15 of the bill.

The CHAIRMAN. That has not been offered yet.

Mr. ZIHLMAN. I ask that it be considered at this time.

Mr. BLANTON. That is all done at one time—the gentleman moves to strike out and substitute.

The CHAIRMAN. Section 2 as offered in italics on pages 14 and 15 is not before the House.

Mr. BLANTON. The motion was to strike out section 2 in italics.

The CHAIRMAN. No; the motion was to strike out section 2 of the bill, and what the Clerk has read is a substitute he offers.

Mr. UNDERHILL. Mr. Chairman, I want to offer a minor amendment, and, as I can not tell the line and place in which it occurs as a substitute, I will state it. The amendment provides that permits shall be issued for a period of three years and that the fee shall be \$3. What I want to offer is an amendment that the period shall be one year and the fee shall be \$1. I want to be recognized on that amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the Zihlman amendment so it will read: "Operators' permits shall be issued for a period not in excess of one year and shall be renewable for periods of one year upon compliance with such regulations as the director of traffic may prescribe. The fees for any such permit shall be \$1."

Mr. UNDERHILL. Mr. Chairman, I offer this amendment not only for the protection of the people of the District of Columbia, but for the protection of the people in my State and in all the States where they have up-to-date automobile regulations. Now, if you issue these permits for three years, that guarantees that anybody who gets a permit in the District of Columbia to go into my State, into New Jersey or Maryland, or any State that issues permits for one year—it guarantees on the part of the man that issues the permit that that man is an honest, capable driver, that he is not a bootlegger, so far as he knows, that he is not driving a stolen car, that he has not committed any offense against the automobile traffic laws—in other words, that he is a reputable citizen. It is the only evidence that people in my State or your State have as to the character of the man or his fitness to drive an automobile. If you issue these licenses for three years, no matter what may happen during the three years, that man has an operator's permit, unless it has been taken away from him.

Let us suppose an instance. They had a cleaning out up in New York, and they found 1,000 taxi drivers who were criminals or had criminal records. They fired them out, and a lot of them came down here and registered in the District of Columbia. They now hold their license as a driver of an automobile, and under this bill they would hold it for three years.

We have reciprocal relations with the District of Columbia, and anyone that comes to my State with this license has the right to drive in our streets. It seems to me that this is a regulation under the police powers to keep tab on every driver of every automobile. There is no trouble in getting a license. We issue almost a million licenses in the State of Massachusetts every year. There is no delay; there is no trouble about it. A man has sent to him a blank, and if he wants a renewal of a license, he fills the blank out, sends it to the registry office with a \$2 fee, and that is all he has to do. He gets the new license within a very short time. The gentleman from Massachusetts [Mr. TREADWAY] has just handed me a renewal license—

390374. You are hereby licensed to operate a motor vehicle for one year from date in accordance with the laws of Massachusetts, subject to any restrictions checked on the reverse side of the license.

There is a place on the reverse side to show whether the owner of the license has been haled into court. A description

of the holder of the license is given, the date of his birth, height, complexion, and so forth.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. CONNALLY of Texas. Under the present law what is the provision with reference to a permit. If one gets a permit in the District of Columbia, does he not get a permanent permit?

Mr. UNDERHILL. He used to, but it is proposed to limit it under this bill, so that he will have it for three years.

Mr. CONNALLY of Texas. I am speaking of the existing law.

Mr. UNDERHILL. A permanent permit; yes. This law restricts it to three years. In the gentleman's State, where everyone is honest, where they have no crooks, where they have no bootleggers, where they have no automobile thieves, it may be all right to issue a permanent permit.

Mr. CONNALLY of Texas. I am not taking issue with the gentleman. I just asked for information. I have always understood here that in the District when one got a permit to drive it was good until it was revoked.

Mr. UNDERHILL. It has been.

Mr. LAGUARDIA. If the owner of a license moved to New York, in my State, he can not drive permanently under that license. That is only for a resident of the District.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. The permit would not be a permanent license to drive.

Mr. UNDERHILL. No; but if that man is driving a car in the city of New York, and he is stopped by a traffic officer, whether he is driving lawfully or not, he will pull out his permit for the District of Columbia and say, "Here is my permit from the District of Columbia," and it is perfectly all right in New York City.

Mr. LAGUARDIA. Not after 30 days.

Mr. UNDERHILL. But the officer does not know whether he has been there 30 days or three years.

Mr. KELLER. Mr. Chairman, if the gentleman will permit, at the present time a permit costs \$1 and is good for only one year, not permanently.

Mr. CONNALLY of Texas. A driver's license?

Mr. KELLER. A driver's permit is good for one year.

Mr. UNDERHILL. My understanding is that this was adopted in the last Congress because it was then a permanent permit. We pay a \$2 license fee annually in my State, and we also pay a registration fee annually, and that fee ranges from \$10 up to \$30. Then, in addition to that, we pay a personal-property tax. We pay pretty nearly \$100 for the privilege of driving a medium-priced automobile in the city of Boston, and here you let them drive for three years for a permit fee of \$1 and a registration fee of about \$2, and they have practically no property tax on the automobile.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. UNDERHILL. Mr. Chairman, I ask unanimous consent to have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. RANKIN. Mr. Chairman, I have one of those permits in my hand. There is nothing on it to indicate that it is limited to any given period of time. It is indefinite. There is no time limit placed upon it.

Mr. CRAMTON. Mr. Chairman, if I might suggest, in order to clarify the situation, for a long time there was no time limit upon the permit to drive an automobile. The act which we passed about a year ago, but which has not yet become fully effective, contained a one-year proposition, and by the 31st day of March the gentleman will need to get a new permit.

Mr. UNDERHILL. Mr. Chairman, I stood on the floor of this House last year and advocated this proposition, and the House supported it—not because it came from me, but because it appealed to the House as a safety precaution not only in this District but in the States. I hope we will not amend the act we passed last year requiring annual permits and allow them for a period of three years.

Mr. EDWARDS. Mr. Chairman, I hold in my hand a permit issued in the District of Columbia on the 2d day of December last, which expires on March 31 of this year.

Mr. UNDERHILL. Yes; that is according to the traffic act.

Mr. EDWARDS. Would the gentleman's proposed amendment limit it to an issuance of these permits annually?

Mr. UNDERHILL. Yes.

Mr. EDWARDS. I think that is the way it ought to be.

Mr. STEVENSON. Mr. Chairman, if the gentleman will yield, I have a chauffeur who has had a permit for years. After the traffic act was passed I went down there to get a new permit. They looked at me and said, "We have not got time to bother with this now. Go ahead until we notify you," and he is riding on that yet. I was interested in the gentleman's statement that they do not pay taxes on their automobiles here. I received a notice a few days ago that told me that I had been assessed so many hundred dollars of tangible personal property. I went down there to see what it was, and it was my automobile, assessed at all that I had paid for it, and it was already assessed at home.

Mr. UNDERHILL. Oh, yes; but the gentleman is not a permanent resident of the District. If he was and owned a Ford or a Dodge or some low-priced car he would not be assessed, but if he owned a Pierce-Arrow or some high-priced car he would get soaked. I register my car in my State, and I get my license in my State, and I pay my personal property taxes in my State, and when I come to Washington I pay 2 cents a gallon tax on gasoline in lieu of paying something else for the use of the streets while in the District, which I think is a fair proposition.

Mr. ZIHLMAN. Mr. Chairman, I hope the amendment offered by the gentleman from Massachusetts will not be adopted. The present law provides that proper permits shall be issued for one year, and no permit now held shall be good after March 31 of this year. The annual fee is \$2, and if the permit is less than six months it shall be \$1. In the substitute offered here in section 2 the director of traffic is given very wide powers to revoke permits, and I believe the interest of the public and the safety of the public will be sufficiently safeguarded by the provisions of the amendments I have offered. It will minimize the expenses of issuing permits. It simply provides if a man obtained a permit, it shall be good for three years without being renewed.

Mr. TREADWAY. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. TREADWAY. Do I understand that with the present traffic law in force March 31 it licenses a man to drive a car for one year?

Mr. ZIHLMAN. Yes, sir.

Mr. TREADWAY. Now, the amendment the gentleman has sent to the Clerk's desk, in lieu of the language on pages 14 and 15, which we have to take the gentleman's word is all right, never been seen in print, changes the law soon to go into effect, and allows a man a three-year permit?

Mr. ZIHLMAN. That is right.

Mr. TREADWAY. Then I am very seriously opposed to that. There is no more dangerous place in the United States for anybody to drive an automobile than the city of Washington. There are more reckless drivers in this city operating cars than any place I have ever been, and I can see no reason whatever for extending the permit to three years. One year is ample time, and I do not think we ought to swallow the amendment offered by the chairman of the committee, hook, line, and sinker, without knowing anything about it. If that is the amendment we are going to have, at the proper time I feel absolved from withdrawing my motion to recommit, or to strike out the enacting clause. I do not believe the gentleman should submit any such proposition, and unless we adopt the amendment offered by the gentleman from Massachusetts, my colleague, making the proposition one year, I shall renew my motion to strike out the enacting clause.

Mr. ZIHLMAN. The gentleman does not consider the statement he has made a question?

Mr. TREADWAY. I beg the gentleman's pardon for taking up so much of his time, and I ask unanimous consent that the gentleman have five additional minutes in lieu of that which I consumed in asking a question in his time.

Mr. STEPHENS. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. STEPHENS. Under the gentleman's plan of issue of permits for three years, in case they drive recklessly would not this permit be withdrawn at once?

Mr. ZIHLMAN. Yes.

Mr. STEPHENS. It would be just about as effective if it was made three years as one.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ZIHLMAN. Is there objection?

Mr. STEVENSON. Mr. Chairman, reserving the right to object, I want to know who is going to have this time, the gentleman from Maryland or the gentleman from Massachusetts?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMMER. Is it not a fact that Mr. Eldridge claimed they issued about 90 daily permits, and he wanted a year given him to make out these permits, and we only gave him to July, but he insisted that he can not do it in time without a great deal of extra assistance in his office, and this very efficient gentleman, whose salary we want to raise to \$10,000 a year, says it will take a year to do this, and by that time the gentleman from Massachusetts wants to begin again.

Mr. ZIHLMAN. I am very much surprised at the attitude of the gentleman from Massachusetts, a distinguished statesman, rising up here in great indignation when I am offering a section which provided for the issuance of permits for three years. This is in the amendment of the committee perused by the gentleman when he was in the chair. The permit should be taken for three years. This is an amendment, because the District Commissioners submitted a bill to our committee to extend the time of issuing permits to one year, because they said they could not issue these permits before March 31, as provided in the traffic act, and instead of giving that we provided that the permits should be issued for a period of three years and give the traffic director broad powers of revocation. We are giving him very broad powers to revoke, subject to appeal to the court of appeals. We felt if a man takes out a license to drive an automobile and conducts himself properly and obeys the traffic regulations and the laws, that he should not be forced each year to come and obtain a new license. We provide that it shall be issued for three years and that the director of the traffic at any time for any cause whatever shall have power to revoke that permit.

We are simply providing that we extend it over a period of three years, but that the director of traffic, for any cause whatever, at any time, shall have the power to revoke the permit.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. UNDERHILL. The act does not guarantee, however, that within the period of three years after the permit is issued a man may not become insane or incompetent. My idea is that they should be renewed each year. The State of New York issues 2,000,000 licenses in a few days, and the State of Massachusetts issues a million licenses in a few days' time. They can do it here as well as in Massachusetts and in New York if they only get busy.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. What does the gentleman think about the chances of a man going insane inside of three years under this multiplicity of traffic regulations? [Laughter.]

Mr. ZIHLMAN. I see no danger in adopting this provision.

Mr. NEWTON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. NEWTON of Missouri. How much time is a man given before he is required to undergo examination?

Mr. ZIHLMAN. That is left to the judgment of the traffic director. He will automatically reissue licenses to those against whom no charges have been filed.

Mr. NEWTON of Missouri. That is an automatic renewal. How is the director to know about the insanity of the individual?

Mr. ZIHLMAN. The director is authorized and directed to conduct an examination before the issuance of the original permit.

Mr. NEWTON of Missouri. What is the need of a renewal every year if they have the power to revoke upon a showing?

Mr. ZIHLMAN. The reason for what?

Mr. NEWTON of Missouri. Is it not better to let the director have the power to revoke upon a showing that a man is not competent to drive the car?

Mr. REID of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. REID of Illinois. Your substitute provides that a license may be issued for one or two or three years at option?

Mr. ZIHLMAN. No, sir.

Mr. REID of Illinois. In the case of a Government employee who does not run his car perhaps more than two or three months, must he pay for a whole year?

Mr. ZIHLMAN. I will say that since the time the committee adopted this amendment we have not heard any complaint about the issuing of these permits for three years.

Mr. REID of Illinois. Is it not a fact that they would have to pay for three years under your amendment?

Mr. ZIHLMAN. Under existing law they would have to pay for six months.

Mr. REID of Illinois. I might want to go back to Illinois after six months' residence here, after I had paid the money.

Mr. CHALMERS. Mr. Chairman, I have an amendment that I want to offer to section 13 (a) of this bill. When would it be in order?

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. CHALMERS] offers an amendment. The Chair will recognize the gentleman from Ohio now.

Mr. CHALMERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHALMERS: In line 20 of the committee amendment, after the word "bicycle," strike out the period and insert: "Provided further, That when such duplicate permit is filed with the secretary of state of any State in the United States, such permit shall be effective in such State."

Mr. BLANTON. Mr. Chairman, I make the point of order that that would be an interference with the laws of each State.

The CHAIRMAN. If the gentleman makes the point of order the Chair will sustain it.

Mr. BLANTON. I do make the point of order.

The CHAIRMAN. The Chair sustains it.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, the gentleman from Massachusetts [Mr. UNDERHILL] has misunderstood the situation. This matter that the gentleman from Maryland [Mr. ZIHLMAN] has offered is a committee matter. The committee adopted that provision as to a three-year permit for \$3. The gentleman from Massachusetts offered his proposal in the committee, and it was voted down. The committee voted it down. He tried to have the one-year proposition put into the bill.

Mr. UNDERHILL. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. UNDERHILL. I know the gentleman wants to be right.

Mr. BLANTON. I do. I gladly yield to my friend for any correction.

Mr. UNDERHILL. "The gentleman from Massachusetts" offered that on the floor of this House. It was accepted last year. He never offered it otherwise.

Mr. BLANTON. I was under the impression that the gentleman made the same argument in the committee that he made here.

Mr. TREADWAY. Mr. Chairman, is there not a certain amount of confidence to be observed in regard to committee amendments and committee discussions?

Mr. BLANTON. Our committee meetings are held in the open, with newspaper reporters present. They are not confidential.

Mr. UNDERHILL. If any other member of the committee—and I make no reflection on the gentleman from Texas—heard me offer that amendment this year, I will admit that the gentleman from Texas is right.

Mr. BLANTON. I will accept the gentleman's statement as correct. But, did not the committee adopt this provision for a three-year permit for \$3 as a committee amendment just before we voted to report this bill to the House?

Mr. UNDERHILL. I was not present at the meeting.

Mr. BLANTON. Well, I was present, and that was done. My friend from Illinois [Mr. REID] got up and proposed that it should be left optional with the applicant as to whether he should take a one-year permit or a three-year permit, and after arguing it the committee turned him down. The committee was almost of one mind as to this three-year proposition at \$3.

The gentleman from Massachusetts [Mr. TREADWAY] wants to change the present traffic conditions in the District. Yet every time some little obstacle develops on this floor he is ready to offer to strike out the enacting clause, and thus kill this bill, and let the old conditions exist, and then he blames the committee for it.

The gentleman from Maryland [Mr. ZIHLMAN], as chairman of the committee, has offered this, and it is indorsed by the traffic department, and he has authority from the committee to offer it. He is offering it as the traffic officials want it. Are you not going to back up the committee? I am in favor of this traffic bill. I am backing the chairman in what he has offered.

Let us back up the chairman of this committee. Let us back the committee and vote these proper amendments to the traffic act. I agree with every word that is in it, so far as it goes. It will be a great help to the traffic situation here. I think we ought to support our chairman and the committee.

Mr. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. FAIRCHILD. How about the House last year voting to pass it for one year? You are reversing it.

Mr. BLANTON. It would take an army of employees down here to reissue these 115,000 permits by April 1, and all expire March 31.

Under the present law every single permit in the District expires the 31st of this month. Unless we pass the provision that has been offered by the chairman they can not issue the permits in time for us to have the permits by April 1. They can not do it.

Let me tell you this. They need this \$3 permit to finish the electric signal system here. This \$3 permit for three years, which is \$1 a year, is not unreasonable. It is cheaper than any State in the country charges. In Baltimore they charge 32 cents per horsepower for registration, which runs away up yonder when you get your number tags, while they charge only \$1 here. In Virginia they charge 70 cents per horsepower instead of \$1 for the whole matter of registration and number tags, as against only \$1 here. It is the most reasonable charge anywhere in the United States. They need this money now, and if you will vote for this committee proposition, as the chairman has offered it here, it will put enough money in the treasury of the District of Columbia to complete the entire electric signal system on all principal streets here, so that you will have a first-class traffic system.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask for two additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two additional minutes. Is there objection?

Mr. TREADWAY. Reserving the right to object, will the gentleman yield to me for a question?

Mr. BLANTON. I want to yield to the gentleman from New York [Mr. STALKER] first, and then I will yield to the gentleman from Massachusetts.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STALKER. I will state that in the State of New York they hand out permits with no questions asked, and there is no examination, while here in the city of Washington it is customary to give them an examination, and they must demonstrate that they are able to operate a car.

Mr. BLANTON. That is true, but I have in my possession four permits that were issued to lunatics out here in the insane asylum at St. Elizabeth's. Now, the director will have a chance, under the proposition the chairman has offered, to suspend and revoke such permits. Now I yield to the gentleman from Massachusetts.

Mr. TREADWAY. Do I understand that all permits in the District of Columbia expire on the 31st of March?

Mr. BLANTON. Every one.

Mr. TREADWAY. And the gentleman says it will take an army of men to renew them?

Mr. BLANTON. Yes; by April 1. We propose, under this amendment, to give the director plenty of time to renew them. Then he can call in so many at a time and renew them just so many each month.

Mr. TREADWAY. Will it take any longer to make out a permit for one year than it will for three years? The gentleman says they can not do it for one year. If that is so, how can they do it for three years?

Mr. BLANTON. But we are trying to save this turmoil next year, on the 31st of March next year, when they will come in again and ask for more time. This amendment permits them to extend the time and reissue so many each month.

Mr. TREADWAY. But for three years?

Mr. BLANTON. Yes.

Mr. TREADWAY. You should make it one year.

Mr. UNDERHILL. Will the gentleman yield to me?

Mr. BLANTON. Yes; gladly.

Mr. UNDERHILL. My amendment does not affect that, and next year they would be issued automatically.

Mr. BLANTON. But the gentleman wants them issued every year, when that is useless. In my home State of Texas they do not require any permit. All you have to do is to register your car and pay about \$12.50 a year for a Ford car, and you can drive it without a permit.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

Mr. LaGUARDIA. I would ask the chairman to make it 11 minutes.

Mr. ZIHLMAN. Mr. Chairman, I modify my request and make it 11 minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that all debate on this section and all amendments thereto close in 11 minutes. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Chairman—

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. CHALMERS. Mr. Chairman and members of the committee, I introduced my amendment to this District bill in the interest of the public. I realized when I proposed the amendment that a point of order would stand against it if any Member of the House saw fit to raise it; but on account of the great public interest in a law of this kind, I was in the hope that a point of order would not be raised.

I was very sorry that the gentleman from Texas objected to an explanation to the committee of what I hoped to accomplish in the introduction of my amendment.

The amendment which I offered to the District traffic bill which would legalize a driver's or chauffeur's license issued in the District of Columbia in the States of the Union would, in my judgment, be of great public service. The National Auto Renters' Association is very much interested in any legislation of this kind, which will make drivers' licenses issued in one State of reciprocal effect in the other States of the Union. We can not pass such a law. We can, however, legalize licenses issued in the District of Columbia in all matters affecting interstate traffic. The Willys-Overland Co., of my city, is very much interested in a legal provision of this kind. All automobile manufacturers and associations and clubs are interested in a Federal provision of this kind.

For instance, a person who holds a driver's license, under the present practice in the State of Pennsylvania or any other State of the Union, is not permitted to go into the State of New York and rent a car and drive it without first qualifying for a driver's license in New York State.

Then, again, there are States, such as my own, that do not require a driver's license, and, of course, a person going from Ohio to New York State finds it necessary to qualify for a driver's license before he can rent a car. This works a delay and a great hardship to corporations and individuals.

The rent-a-car or drive-it-yourself business is just in its infancy. It is growing very rapidly, and from the number of cars that are in use and are being purchased each year, it is bound to be an important factor in the automobile manufacturer's volume.

I believe therefore that in fairness to the rent-a-car industry, some Federal legislation should be enacted that would make it possible for the holders of a driver's license in the District of Columbia to rent and operate an automobile in any State of the Union.

Mr. BLANTON. Will the gentleman yield?

Mr. CHALMERS. I yield to the gentleman from Texas.

Mr. BLANTON. By courtesy. That is the practice now. A driver's license in the District of Columbia is recognized in the 48 States of the Union.

Mr. LaGUARDIA. Not permanently.

Mr. CHALMERS. No; not permanently.

Mr. BLANTON. But for the same length of time as other State licenses are recognized.

Mr. CHALMERS. I am glad to hear the gentleman say that; and if that can be maintained and continued, it will solve the problem I sought to solve by my amendment.

Mr. BLANTON. That is permanent law in every State.

Mr. CHALMERS. I am very glad to be assured of that fact by the gentleman from Texas, who is himself a good attorney and a member of the District Committee, because if this assurance is true it accomplished the very purpose for which I introduced my amendment.

This will offer the relief that I hoped to bring about. It will simply be necessary for corporations and individuals to secure a driver's license for their agencies and individuals in the District of Columbia. Inasmuch as the license fee in the District after the first of the next month will be only \$1, this will not work a hardship upon the general public.

Mr. GIBSON. Mr. Chairman and gentlemen of the committee, it was not my intention, in view of the situation into which this bill has gotten, to say a word. When it came before

the committee I did reserve the right to file a minority report, but finally decided to swallow it and let it go along as it is. In view of the amendment offered by the gentleman from Maryland, I must call your attention to one or two things.

In every complete traffic law it is necessary to follow certain vital principles. The registration should be yearly. The permits should be granted yearly. What is the situation here in the District? We have not 100 or 200 but we have 1,000 criminals driving automobiles, bootleggers and that class of men, and it is necessary to issue the permits yearly in order to keep a check on people of that class who apply for licenses.

The fees are not sufficient. We passed this bill last year and made the fees for drivers' permits \$2 for the first year. The amendment which is offered by the gentleman from Maryland makes it \$1 a year.

I call your attention to the fact that if you adopt this amendment you are cutting off from the revenues to be received from permits alone \$100,000 the first year, which ought to come into the treasury of the District of Columbia or the Treasury of the United States as legitimate revenue. Up in my State I pay \$32.60 for a license to operate and registration, which costs \$3 here. In the State of New Hampshire they pay \$50. In the State of Massachusetts they pay about \$100, which includes the personal property tax. Does not the District of Columbia need this money? We ought to have, if necessary, \$100,000 a year for the enforcement of the traffic regulations, for the lighting of the streets, and for other similar improvements.

Mr. BLANTON. Will the gentleman yield?

Mr. GIBSON. I yield.

Mr. BLANTON. The gentleman does not want to be inaccurate, I am sure, because I know the gentleman wants to be exact in his statement. The present law is not \$2, but just \$1. I have the law here and it provides that the permits shall be renewed for \$1 a year.

Mr. GIBSON. Yes; but the first license is \$2.

Mr. BLANTON. But that has passed. The law says that on March 31 every permit shall be renewed for \$1 a year.

Mr. GIBSON. Yes, renewed; but the first permit, as I understand the law, is \$2.

Mr. BLANTON. But after March 31 it is \$1.

Mr. GIBSON. Oh, no. The new permits are still \$2.

Mr. LaGUARDIA. Mr. Chairman, I simply want to call the attention of the chairman to the fact that in the text of his amendment he refers to a resolution when we have a bill before us.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to correct the language of the amendment by inserting the word "act" where the word "resolution" appears.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. HILL of Maryland. May we have the amendment again reported?

The amendment of the gentleman from Massachusetts [Mr. UNDERHILL] was again reported.

Mr. HUDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDSON. The amendment of the gentleman from Massachusetts [Mr. UNDERHILL] states that it is an amendment to the amendment of the gentleman from Maryland [Mr. ZIHLMAN]. Is that the committee amendment?

The CHAIRMAN. No; it is another amendment.

Mr. HUDSON. Then I ask, Mr. Chairman, that the amendment of the gentleman from Maryland [Mr. ZIHLMAN] may be read.

Mr. BLANTON. That is practically the committee bill.

Mr. ZIHLMAN. Will not the gentleman modify his request and simply have read the paragraph which the gentleman from Massachusetts seeks to amend?

Mr. HUDSON. I have submitted my request in order that we may be able to vote intelligently.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment of Mr. ZIHLMAN's was again reported.

Mr. TREADWAY. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the enacting clause—

Mr. BLANTON. Mr. Chairman, I ask recognition.

Mr. KETCHAM. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KETCHAM. My understanding is there was a limit on debate of 11 minutes and that 3 minutes still remain. I ask recognition under that unanimous-consent agreement.

The CHAIRMAN. The gentleman can not get recognition ahead of the motion to strike out the enacting clause.

Mr. KETCHAM. In order that I may understand the position of the Chair, even when there has been a unanimous-consent agreement that debate may continue 11 minutes a motion to strike out the enacting clause may intervene?

The CHAIRMAN. Yes.

Mr. TREADWAY. Mr. Chairman, I ask recognition on my motion.

Mr. BLANTON. I make the point of order that the gentleman from Massachusetts made a motion to strike out the enacting clause and used his five minutes in discussing that motion.

Mr. TREADWAY. I withdrew it.

Mr. BLANTON. He made the motion, and under the agreement that we would pass the committee bill he withdrew it. Now, when we are trying to follow the chairman of the committee he makes another motion to strike out the enacting clause, and I make the point of order that he has used his time.

The CHAIRMAN. The Chair overrules the point of order.

Mr. TREADWAY. Mr. Chairman and gentlemen, the previous motion I made to strike out the enacting clause was made somewhat in accordance with the agreement, as the gentleman from Texas states it, that the chairman of the committee was to offer a sort of perfecting amendment to the language on pages 14 and 15, but instead of that—and I am not claiming that he is breaking faith—he offers two or three pages of amendments.

Mr. CRAMTON. If the gentleman from Massachusetts will permit, he will recall that I called his attention to the fact that the gentleman might not be aware of the situation and also called his attention to the fact that the chairman of the committee had an amendment to offer. If the gentleman from Massachusetts did not have full information as to the length of that amendment, it was not my fault.

Mr. TREADWAY. I know; but I am putting this proposition up to the House. Does the House want to take up an amendment to such an act as this, a permanent traffic act for the District of Columbia, that has not gone into effect, and without seeing the amendment in print, simply hearing it read from the Clerk's desk, and say that must be the permanent law of the District of Columbia? That is the situation we are in. My only reason for making this motion is that this whole proposition ought to go back to the committee. It is not going to be ruled out of order; it can be brought in here in two weeks and we can have a well-digested bill. What the traffic law will be when we adopt the motion of the gentleman from Maryland and make it a permanent law under this method of procedure no one can tell. All I am asking for is if we are going to act as a board of aldermen for the District of Columbia that we know what we are putting into the permanent law. I defy any Member here to tell what is contained in the amendment offered by the gentleman from Maryland by simply hearing it read from the desk. I say it is no more than right to ask the committee to bring in a perfected and well-considered bill.

Mr. HUDSON. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HUDSON. Have not I heard the gentleman from Massachusetts argue on the floor that after his committee has thoroughly digested a matter, that is sufficient?

Mr. TREADWAY. Let me interrupt the gentleman; this committee has not thoroughly digested this proposition. Members of the committee say they have not had this question before them in the form that is now presented. The Ways and Means Committee does not present a bill in this manner.

Mr. HUDSON. I have not heard any such statement.

Mr. TREADWAY. It has been made here, and the gentleman from Illinois [Mr. REID] and the gentleman from Illinois [Mr. RATHBONE] will bear me out.

Mr. BLANTON. Let me say to the gentleman that this amendment is the present law with the exception of seven words—

Mr. TREADWAY. Well, that is something we had not heard before; we are getting information all the while.

Mr. BLANTON. Section (a) has been amended, but sections (b), (c), (d), (e), and (f) is the present law with the exception of a few words.

Mr. ZIHLMAN. Let me say that the gentleman from Michigan [Mr. CRAMTON] has been very insistent that when we amend a section of the District Code we should rewrite the whole language, and in compliance with the position taken by

the gentleman, which I think is sensible and logical, we have rewritten the entire section.

Mr. TREADWAY. Let me ask the gentleman if he thinks that the House can intelligently act on the proposition now before it.

Mr. ZIHLMAN. I think so.

Mr. TREADWAY. The gentleman thinks that the House has sufficient information to act intelligently on the subject of traffic regulations in the District of Columbia.

Mr. ZIHLMAN. I will answer the gentleman, yes.

Mr. UNDERHILL. Mr. Chairman, it is hardly fair to the committee and it surely is not fair to the District when a Member of Congress, instead of using his good offices to perfect such legislation that may inadvertently pass a committee, moves to strike out the enacting clause. That practice was followed a few years ago, and no legislation beneficial to the District resulted. My object in offering my amendment is to protect the people of the District and to protect the people of other States. The police find that yearly registration is one of the best methods which they can follow to keep tabs on law breakers and nonobservers of decency on the road and elsewhere. Just simply because we have gotten into a little jam here on the floor of the House, which can be easily ironed out, is no reason why we should strike out the enacting clause. Let us take this bill and let every Member use his mentality, his superior knowledge of procedure, his superior knowledge of parliamentary practice, and help the District of Columbia Committee, and thereby help the District rather than strike out the enacting clause.

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HILL of Maryland. In considering this license matter, did the committee consider the desirability of putting on the license the photograph of the person purporting to hold the license? Anybody can steal a license or pick up a license that is lost. On railroad tickets you have to have a photograph.

Mr. UNDERHILL. I understand you have to have a photograph on railroad passes. I never saw a photograph on any ticket that I ever bought. The gentleman is more fortunate than I am if he has secured a pass on a railroad; but as far as the license is concerned, the license should state approximately the height, the complexion, the general appearance of the applicant, and in that way he can be identified; but that has nothing to do whatever with striking out the enacting clause.

Mr. HILL of Maryland. I am asking for information.

Mr. UNDERHILL. I can not yield further. It is simply a question of whether we are going to pass some legislation that will benefit the people of the District and mitigate to some extent the dangers that surround him on every street to-day.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. TREADWAY. Does the gentleman think that the bill is in such form now that we can act intelligently upon it?

Mr. UNDERHILL. I think the bill is in such form that I can act intelligently upon it, and I think the gentleman's patience ought to be of such a character so he may act intelligently on it.

Mr. TREADWAY. The gentleman has the advantage of his colleague in that he is a member of this particular committee.

Mr. UNDERHILL. If the gentleman from Massachusetts has any question about it, he had a prerogative that all of us enjoy of voting against the whole proposition because we do not understand it, but let us not give away our prerogatives and neglect our duties by striking out the enacting clause when we can perfect the bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Mr. Chairman, I ask unanimous consent to withdraw my amendment again.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw his motion to strike out the enacting clause. Is there objection?

Mr. STEVENSON. I object.

The CHAIRMAN. The question is on the motion to strike out the enacting clause.

The motion was rejected.

Mr. KETCHAM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr. UNDERHILL].

The CHAIRMAN. The gentleman is recognized for four minutes.

Mr. KETCHAM. Mr. Chairman, when one rises in opposition to anything that comes from so distinguished a Representative as the gentleman from Massachusetts [Mr. UNDERHILL], supported by his colleague [Mr. TREADWAY]—and I am now

referring to the amendment to reduce the fee to \$1 and the time to one year—he certainly is up against a hard combination. In knowledge of parliamentary procedure, in vehemence of declamation, very few gentlemen on the floor surpass the gentleman from Massachusetts [Mr. TREADWAY]. However, I think he has certainly overstepped in this one regard, because in his anxiety to protect against that very small percentage of all who register, who are of disreputable character, he has overlooked the vastly greater percentage of those of us who at least try to live within the provisions of the law. In voting on this amendment I submit this consideration to you: Out of the 110,000 people who shall apply for registration under the law, more than 99.47 per cent, the proverbial amount we see so much of in advertisements, will certainly obey the law in every particular. I think the percentage would be very much higher than that, probably 99.99 per cent of all who apply for registration. I think that percentage will live up to the provisions of the law. The real question is, Shall we subject that great percentage of law-abiding citizens to the inconvenience of going through this tremendously complicated routine every year in order that their driver's licenses may be renewed? In that connection it has been stated by almost everyone who has appeared on the floor that practically every State has a revocation clause in all of these licenses, so that if any of these disreputable citizens from the District of Columbia wander up into the delightful hills of Massachusetts, all that need be done there is to have them apprehended after they have been there over 30 days. There is nothing to prevent the eagle-eyed officials up there going out and haling these chaps into court. Looking to the greatest good for the greatest number, it seems to me that there is no reason in the world why the provisions of the amendment that is proposed by the committee should not prevail and why the amendment proposed by the gentleman from Massachusetts [Mr. UNDERHILL] should not be defeated, as I hope it will be.

The CHAIRMAN. The time of the gentleman from Michigan has expired. All time has expired. The question is on the amendment offered by the gentleman from Massachusetts. The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 17, noes 57.

So the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Maryland [Mr. ZIHLMAN].

The motion was agreed to.

The Clerk read as follows:

SEC. 3. Under said section 6 of said title of said act subdivision (d) be, and the same is hereby, amended so as to read as follows:

"(d) The commissioners are hereby authorized to appoint three additional assistants to the corporation counsel, whose salary shall be fixed in accordance with the classification act of 1923."

SEC. 4. Under the title "Operators' permits" subdivision (a) of section 7 of said act be, and the same is hereby, amended so as to read as follows:

Mr. ZIHLMAN. Mr. Chairman, my understanding is that we have struck out section 2, and have adopted a substitute therefore. I ask unanimous consent that all of this matter stricken out in the bill on pages 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 be passed over.

Mr. GARRETT of Tennessee. Mr. Chairman, I think the reporters' notes will show, certainly the right procedure is, the gentleman from Maryland offered his amendment as a substitute for the language contained in section 2, beginning on page 2, giving notice that if that substitute should fail he would then move to strike out section 2 as it appears on page 14. Now the substitute has prevailed. He should either move to strike out section 2 or offer a substitute.

The CHAIRMAN. The Chair thinks the motion of the gentleman from Maryland was to strike out section 2 with a statement that in case his motion prevailed he would then move to strike out all after section 2.

Mr. GARRETT of Tennessee. Here is where I think a good deal of confusion has grown out of this matter. There are really in this bill two sections 2. On page 2 there is a section 2. After all of that was stricken out the committee itself inserted another which they numbered section 2. That began on page 14, and that is where apparently the confusion is. I thought it was this first section 2 he proposed to strike out?

The CHAIRMAN. It is.

Mr. ZIHLMAN. My understanding was we struck out section 2 and adopted a substitute. Why read the matter stricken out?

Mr. BLANTON. I ask unanimous consent that the language be stricken out down to line 18, page 14.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that section 2 down to and including the words "Columbia," on page 15, be stricken out.

The CHAIRMAN. The gentleman means section 3. Section 2 is out of the bill.

Mr. ZIHLMAN. The Clerk was reading section 2.

The CHAIRMAN. No; section 3.

Mr. ZIHLMAN. I ask unanimous consent that section 3—

The CHAIRMAN. If the gentleman from Maryland will permit the Chair to suggest, the proper motion at this time would be to strike out all down to line 18, page 14, and then offer his substitute, if the Chair is properly advised of what the gentleman wants.

Mr. ZIHLMAN. I will say to the Chair we want to substitute—

Mr. BLANTON. I ask unanimous consent, to which the gentleman from Maryland will agree, beginning with section 3 on page 3, which is where we left off, I move to strike out the balance of the bill down to and including line 4, page 15.

Mr. DOWELL. Mr. Chairman, that motion is out of order unless by unanimous consent.

Mr. BLANTON. I am asking unanimous consent, and the gentleman from Maryland will agree to that.

The CHAIRMAN. The gentleman from Texas is asking to strike out something that is not in the bill. The bill ends with line 17.

Mr. BLANTON. I ask unanimous consent that beginning with section 3 on page 3 to strike out all of the balance of the bill down to and including line 17, page 14.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none. Now the gentleman from Maryland offers an amendment.

Mr. ZIHLMAN. I offer a substitute for section 3—

The CHAIRMAN. There is no section 3; it has been stricken out.

Mr. ZIHLMAN. I offer an amendment to section 3, and ask the Clerk to report it.

Mr. DOWELL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. The section 3, page 15, is not part of the bill, but I understand is an amendment suggested by the committee.

Mr. BLANTON. It is offered as a new section.

Mr. DOWELL. An amendment is not being offered—

The CHAIRMAN. In that form the amendment is known as section 3.

Mr. DOWELL. The committee amendment must first be submitted.

Mr. ZIHLMAN. I am offering it as an amendment.

Mr. DOWELL. The first that can be offered is the committee amendment and then the gentleman can offer his amendment to it.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN to follow the amendment just adopted:

"SEC. 3 (a). Except where for any violation of this act revocation of the operator's permit is mandatory, the director, or any assistant whom he may designate for the purpose, may revoke or suspend an operator's permit for any cause which he or such assistant may deem sufficient; *Provided*, That any individual whose permit shall be denied, suspended, or revoked by the director or such assistant for any cause not made mandatory by this act, may appeal to the Court of Appeals of the District of Columbia and the decision of such court shall be final: *Provided further*, That an appeal to said court shall not operate as a stay of such order of the director or his assistant."

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. The gentleman from Maryland offers this as a committee amendment to take the place of section 13 (a) of the bill. That does not show from the way the Clerk read it. It should be amended.

Mr. CRAMTON. Mr. Chairman, the correct statement, it seems to me, would be that the gentleman from Maryland is offering the amendment just read as a substitute for the committee amendment. The matter in lines 5 to 14 is a proposed committee amendment. Lines 5, 6, and 7, which the Clerk did not read, are not to be disturbed. But the gentleman from Maryland wants to substitute what has been read as a substitute for the committee amendment.

Mr. BLANTON. The other lines should be inserted.

Mr. CRAMTON. The committee amendment, as I understand, from lines 5 to 14, is pending. That is on page 15.

The CHAIRMAN. If the gentleman from Michigan [Mr. CRAMTON] will permit, the committee amendment has not yet been offered. It is not yet before the House.

Mr. CRAMTON. It came to the committee with the bill from the committee.

The CHAIRMAN. It is not before the House. It has not been read.

Mr. CRAMTON. It should be read.

Mr. DOWELL. Mr. Chairman, I still insist that the gentleman can not offer an amendment to the committee amendment when the committee amendment has not been offered. That is just what he is trying to do.

The CHAIRMAN. If the gentleman from Iowa has stated it correctly, neither the Chair nor the gentleman from Maryland [Mr. ZIHLMAN] has understood it correctly. The Chair understood that the gentleman from Maryland wanted to offer this amendment to precede his committee amendment. If so, the procedure on this amendment is accurate. Now, then, if the reverse is true and the gentleman from Maryland wants to amend his committee amendment the gentleman from Iowa [Mr. DOWELL] is correct in his contention. Will the gentleman from Maryland please state what he wants to do?

Mr. ZIHLMAN. Mr. Chairman, the amendment of the committee on page 15 of the bill is a committee amendment, and is brought in by the committee.

The CHAIRMAN. It has not yet been reported. If the gentleman from Maryland wants to amend the committee amendment, the committee amendment should be read.

Mr. ZIHLMAN. After it is read I shall avail of the privilege of offering an amendment.

Mr. BLANTON. I ask unanimous consent, Mr. Chairman, that on page 14, what is there shown as a committee amendment, beginning "section 2," providing that section 7 of said act be stricken from the bill; that is, all from line 18 down to line 25 on page 14, and on down to and including line 4 on page 15, should be stricken from the bill.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that lines 18 to 25 on page 14 and lines 1 to 4 on page 15 be stricken from the bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 5, committee amendment:

"SEC. 3. That subdivision (a) of section 13 of said act be, and the same is hereby, amended, so that as amended the same shall hereafter read:

"SEC. 13. (a) The director may in his discretion (except where for any violation of this act revocation of the operator's permit is mandatory), revoke or suspend the operator's permit of any individual convicted of a violation of any of the provisions of this act, or, before conviction after notice and upon hearing, for a violation of any of the provisions of this act, or any regulations made thereunder."

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the language on page 15, lines 8 to 14, and offer a substitute in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN to the committee amendment: Page 15, line 8, strike out all of lines 8 to 14, inclusive, and insert in lieu thereof the following:

"SEC. 13. (a) Except where for any violation of this act the revocation of the operator's permit is mandatory, the director, or any assistant whom he may designate for the purpose, may revoke or suspend an operator's permit for any cause which he, or such assistant, may deem sufficient: *Provided*, That any individual whose permit shall be denied, suspended, or revoked by the director, or such assistant, for any cause not made mandatory by this act, may appeal to the Court of Appeals of the District of Columbia, and the decision of such court shall be final: *Provided further*, That an appeal to said court shall not operate as a stay of such order of the director or his assistant."

Mr. LaGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LaGUARDIA. My purpose in striking out the last word is to protest against the manner in which the committee has brought this bill before the House.

It is simply impossible for a Member to vote intelligently on any of the amendments that are now offered. The bill comes before us with all the subject matter practically stricken out, and after that are set forth the proposed amendments of

the committee. So far, that is in accordance with the practice. But now, instead of voting upon these amendments that we have before us, lengthy substitute amendments are offered by the committee, and I venture to say that there is not a man on the floor of this House who can get the gist or purpose of the amendment from the first reading at the desk.

Mr. BLANTON. Will the gentleman yield?

Mr. LaGUARDIA. Yes.

Mr. BLANTON. The gentleman from Maryland sits on one side of the table and I sit on the other. I agree with every single thing he has done concerning this amendment, and if the gentleman is willing to accept an agreement of the two sides that fight each other in the committee—

Mr. LaGUARDIA. That is no reply. There are 435 Members in this House and not only 2 Members; the gentleman from Maryland and the gentleman from Texas, and some of us, who want to do our work intelligently and take our work seriously, certainly can not legislate in this manner, and it should not be done. If the District Committee should bring in any more bills of this kind, we will have the House pass upon them, because I, for one, shall protest.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland.

The amendment was agreed to.

The CHAIRMAN. The question now recurs upon the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment. At the end of the amendment offered by the gentleman from Maryland to insert the following.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: At the end of the amendment—

Mr. BLANTON. At the end of the traffic act.

Mr. CRAMTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. There is one committee amendment still remaining.

The CHAIRMAN. We are not yet through with the committee amendments, and the Clerk will read.

The Clerk read as follows:

SEC. 4. At the end of this act add a new section, as follows:

"SEC. 19. The director is authorized and directed to designate New Jersey Avenue from the Capitol to U Street NW. as a traffic-signal boulevard street, and in the present program of completing the system of electric traffic signals said portion of New Jersey Avenue shall be included."

Mr. GILBERT. Mr. Chairman, I want to offer an amendment to strike out all of section 4.

Mr. CRAMTON. Mr. Chairman, a point of order. That is simply accomplished by voting down the committee amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GILBERT: Strike out all of section 4.

Mr. GILBERT. Mr. Chairman, section 4 introduces into the act an administrative feature. When the traffic act was before the House the last time the House designated certain streets to be arterial highways. In conference it was agreed that that should be an administrative matter and left to the director of traffic, and that was accepted by both Houses. This bill now seeks to point out one street and direct the director of traffic to designate that street as a boulevard street. I just want to call your attention to the fact that that carries with it a lack of uniformity, and we ought to leave the director of traffic to designate all the streets and not tie him up by mentioning some one street.

Mr. MAPES. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. MAPES. Does the gentleman state that this is the only street that is designated by law?

Mr. GILBERT. Yes; this is the only street designated by law. There are many other streets more important than this street, and the director of traffic has, for some reason suitable to him, failed up to this time to designate this as one of the boulevards or arterial highways.

Mr. BLANTON. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. BLANTON. Why do we not just vote it down and go on?

Mr. GILBERT. I think we should at least eliminate that part of it.

Mr. McLEOD. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. McLEOD. For what reason should this be voted down?

Mr. GILBERT. For the simple reason that this is an attempt by law to designate a particular street in the city when it is purely an administrative feature.

Mr. McLEOD. But that is the way this Congress considered the matter a year ago when certain streets were designated by this House as boulevards or arterial highways.

Mr. GILBERT. That is true, but that was stricken out by the Senate, and the House agreed that it should be stricken out.

Mr. McLEOD. If the only way a street can be made a highway is by a law of this kind, should we not adopt the committee amendment?

Mr. GILBERT. The only way we should make it possible to designate a street a boulevard or arterial highway should be through the action of the director of traffic, because the situation might change the next year or so, and it might take an act of Congress to change it instead of having it an administrative matter.

Mr. CRAMTON. Mr. Chairman, I offer a preferential motion, and I want to finish the few remarks I started to make a moment ago. I want to offer a preferential motion to perfect the text. I agree with the gentleman from Kentucky that if we have at the head of the traffic bureau a gentleman who has the right ability and judgment, Congress ought not to be passing on these questions, but if we are to pass upon them, I simply offer this amendment to the text: In line 18, on page 15, strike out "U Street" and insert "Florida Avenue." This, perhaps, is an illustration of the undesirability of Congress legislating on such matters. New Jersey Avenue does not extend through to U Street; it only extends to Florida Avenue. So I move to perfect the text by striking out in line 18 "U Street," and inserting "Florida Avenue." After we have done that I think we might well consider the proposition of voting down the committee amendment.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. As these are the only five lines, so far as I am able to learn, that the committee has reported in the bill, it occurs to me they ought to be stricken out. [Laughter.]

It is a very strange procedure, it seems to me, that the committee should report a bill of 15 pages, every line of which is disagreed to by the committee when they come upon the floor, and except for the fact that the chairman of the committee offers an amendment to each paragraph and each section, which is agreed to by the gentleman from Texas, we would not have a bill at all. Not a line of the committee amendments has been approved up to this time, and I presume the other five lines will go out, as I assume they should go out. [Laughter.]

It occurs to me this committee ought to learn something from this experience to-day. If they are going to offer a bill upon the floor, they ought to agree upon it in the committee before they bring it to the House.

Mr. KETCHAM. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. KETCHAM. Does not the gentleman think that is a very great reflection upon the subcommittee—

Mr. DOWELL. I am casting no reflection upon anyone; I am simply stating a fact which all of you know is a fact at this stage of the proceedings.

Mr. KETCHAM. Will the gentleman allow me to finish my question? Does he not think that his remarks are a very great reflection upon the splendid judiciary subcommittee of the Committee on the District of Columbia?

Mr. DOWELL. I am not casting any reflection on anyone. I am simply stating a fact which has been demonstrated very clearly this afternoon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The CHAIRMAN. The question now recurs on the committee amendment.

The question was taken; and on a division (demanded by Mr. McLEOD) there were—ayes 2, noes 23.

So the amendment was rejected.

Mr. McLEOD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. McLEOD. I rise for information.

Mr. BLANTON. Mr. Chairman, I offer an amendment. At the end of the bill I offer a new section to be known as No. 4.

Mr. McLEOD. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Michigan rise?

Mr. McLEOD. I make the point of order that there was not a quorum present.

The CHAIRMAN. The gentleman from Michigan makes the point of order there is not a quorum present. The Chair will count.

Mr. GARRETT of Tennessee. Mr. Chairman, is it in order to make a parliamentary inquiry pending the count?

The CHAIRMAN. The gentleman will state it.

Mr. GARRETT of Tennessee. I understand a decision has been rendered upon the amendment. There would not be another vote upon it, in any event, as I understand it.

The CHAIRMAN. Not on the amendment.

Mr. DOWELL. Mr. Chairman, I make the point of order that the point of no quorum having been made, discussion is not in order.

Mr. McLEOD. Mr. Chairman, when I rose I doubted the vote at the time, and before the Chair again recognized me there was something else offered on the floor and that is why I made the point of no quorum, which I believe is right.

The CHAIRMAN. The gentleman has the right to make the point of no quorum at any time. [After counting.] Ninety-two Members present; not a quorum.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise, and on that motion I ask for tellers.

Tellers were ordered, and the Chair appointed to act as tellers Mr. ZIHLMAN and Mr. BLANTON.

The committee again divided; and the tellers reported there were—ayes 5, noes 100.

So the motion to rise was rejected.

Mr. BLANTON. Mr. Chairman, I ask that my amendment may be reported.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Add a new section at the end of the bill, as follows:

"SEC. 4. The vehicular approach to all railroad stations, both steam and electric, and the street curb space fronting all hotels, restaurants, cafes, and other commercial places of business in the District of Columbia, are charged with a public interest, and the free use of the same by the general public is essential and necessary for the health, safety, comfort, convenience, and general welfare of the officers and employees of the Federal Government and of the general public; and from and after 30 days after the passage of this act it shall be unlawful for any railroad company, hotel company, or other corporation, business enterprise, or individual to sell or permit the exclusive occupancy to any owner, operator or operators of motor vehicles, the exclusive right to operate motor vehicles in front of such places of business mentioned."

Mr. UNDERHILL. Mr. Chairman, I make the point of order that the amendment offered is not germane to the bill.

Mr. BLANTON. Mr. Chairman, I want to be heard on that.

The CHAIRMAN. The Chair will hear the gentleman from Texas.

Mr. BLANTON. Mr. Chairman, what is before the House now is a traffic bill affecting all traffic within the District of Columbia. It embraces every street, highway, and alley in the District of Columbia. We are not merely amending the former traffic bill in one particular; we are amending it in a dozen particulars and the universal rule of the House is that whenever a committee attempts to amend a former act in more than one particular, that makes any amendment in order that is germane to that act.

This is a bill concerning traffic in the District of Columbia. It affects the streets of the District of Columbia; it affects the public highways in the District of Columbia and the public interest in those highways. This amendment would have been in order on the original traffic bill. As a matter of fact there was an attempt to put this provision in the other traffic bill, but it was voted down in committee. Being in order on that bill it is certainly in order on this bill, and therefore the gentleman is mistaken as to the rule.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LaGUARDIA. The very purpose of the bill is to regulate traffic?

Mr. BLANTON. Certainly.

Mr. LaGUARDIA. And the gentleman's amendment goes to the very heart of congestion on the highways and streets of the District.

Mr. BLANTON. Yes; and the amendment gives the public its rights in the streets and highways and alleys of the District of Columbia.

The CHAIRMAN. Unless the gentleman from Maryland wants to be heard on the point of order, the Chair is ready to rule. This bill seeks to regulate traffic of all kinds, but more particularly the vehicular traffic. The amendment offered by the gentleman from Texas seeks to regulate the privileges around private property, and as such it seems to the Chair that it is not germane to the bill. The Chair therefore sustains the point of order.

Mr. BLANTON. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair.

Mr. BLANTON. And I ask for recognition on the appeal.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, I make this appeal with all due respect to the Chair. Ordinarily I vote with the Chair many times, but in this particular I think the Chair has made a mistake. If you can not regulate traffic in front of the Willard Hotel or on Pennsylvania Avenue where can you regulate it? If you can not regulate traffic at the Union Station when you go to unload people there out of your automobile where can you regulate it?

Mr. LAGUARDIA. And the gentleman is not undertaking to regulate traffic on private property.

Mr. BLANTON. No; I am not; it is on the public streets and highways of the District of Columbia. There is no attempt to regulate anything on private property. It regulates where the automobiles go now, where vehicles now go. The Chair has made a mistake in this particular. The gentleman from Massachusetts [Mr. TREADWAY] was so anxious to get the matter regulated awhile ago; and that is the trouble, every time you offer an amendment to interfere with a hotel or with the depot something comes up to stop it. Is it not time when we should legislate and do something that everybody in the House wants done?

This is certainly a traffic matter. Let us vote to remedy it. Let us put this amendment in the bill and we will have no more trouble about it. If the gentleman from Massachusetts [Mr. TREADWAY] votes to do it, he can remedy it; if he votes not to do it, it is then his and not our fault. Here is a point where the House has a chance to stop this monopoly that is dally at the station and in front of the hotels where they will not let anyone but a certain kind of a taxicab stand in front of it; that is so with the Willard, that is so with the Washington, and it is so with the Raleigh and another monopoly at the depot. We do not want such monopolies and here is a chance to vote them down.

Mr. OLIVER of New York. They will not allow your machine to drive into the passageway.

Mr. BLANTON. They will not allow any machine to drive into the passageway, except the ones the railroads sell exclusive rights to, and we ought to have a right to stop it. The commissioners ought to have the right to control it and the traffic director ought to have the right to control it. It is foolishness and it ought to be stopped. The director ought to have a right to control this traffic and my amendment is germane to this traffic measure because it pertains to the traffic of Washington. Now, let us vote for this appeal and then pass the amendment, and we will not have any more trouble about it.

Mr. LEHLBACH. Mr. Chairman, with the merits offered by the amendment of the gentleman from Texas I have no concern and do not desire to argue it. But I am concerned over a proper interpretation of the rules of the House and of the committee, and am concerned that when the chairman of the committee makes a proper ruling that the merits of the amendment ought not to weigh with the committee in order to induce them to overrule the chairman. This is a traffic act. Traffic means the movement of all kinds of vehicles through the streets of the city. Parking regulations are injected in such an act sometimes, because the parking of vehicles, no matter what kind they may be, impede to some extent the passage of such traffic. There is embodied in this amendment neither a regulation of traffic moving nor the impeding of traffic by parking cars at certain points. It is directed solely to the exclusive privilege of certain cars to park at given points, not because the cars interfere with traffic but because other cars are not allowed to park there. It has nothing to do with traffic and therefore the ruling of the Chair was proper; and no matter how we feel about the amendment, the Chair ought to be sustained.

The CHAIRMAN. The Chair feels justified in making an added statement before putting the question. Regardless of any personal opinion the Chair might have as to the merits of the amendment pro or con, because the Chair tries to be con-

sistent in his rulings, he must follow his ability to reason. This amendment provides that no hotel company, railroad company, or other corporation, business enterprise, or individual shall have the right to sell or permit to any owner, operator, or operators of motor vehicles the exclusive right to operate motor vehicles in front of such places of business. Evidently it must be his own private property, else he could not sell a privilege belonging to the company, and as this bill is a bill to regulate traffic, as the gentleman from New Jersey [Mr. LEHLBACH] very clearly suggests, the Chair finds himself in the position where he could rule in no other way than to sustain the point of order.

The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 55, noes 22.

So the decision of the Chair stood as the judgment of the committee.

Mr. BLANTON. Mr. Chairman, I offer another amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. BLANTON: Add a new section to the act as follows:

"SEC. 4. The vehicular approach to all railroad stations, both steam and electric, and the street-curb space fronting all hotels, restaurants, cafés, and other commercial places of business in the District of Columbia are charged with a public interest, and the free use of the same by the general public is essential and necessary for the health, safety, comfort, convenience, and general welfare of the officers and employees of the Federal Government and of the general public."

Mr. ZIHLMAN. Mr. Chairman, I make the point of order that this is not germane to the purpose of the bill.

Mr. TREADWAY. Mr. Chairman, may I be heard upon the point of order?

The CHAIRMAN. If the gentleman cares to contribute anything.

Mr. TREADWAY. Mr. Chairman, I understood the Chair ruled that the previous amendment of the gentleman from Texas [Mr. BLANTON] applied to the private use of land in front of hotels, depots, or other places. This distinctly refers simply to the public highways, the actual street. It has nothing to do with any private lands or anything of that kind, and I do not think the ruling of the Chair on the previous question applies to the present amendment.

The CHAIRMAN. Has the gentleman from Massachusetts any argument he desires to further state? The Chair has given no indication of how he is going to rule.

Mr. TREADWAY. I am arguing against the contention of the gentleman from Maryland.

Mr. ZIHLMAN. Mr. Chairman, I call the attention of the Chair again to the fact that we are now proceeding to amend the District of Columbia traffic act. I did not clearly get the reading of the amendment, but from my understanding of it, it is a declaration as to public interest or the right to use the public streets, which certainly is not germane to the purpose of this bill. While it may be a very wise declaration, yet it has no place in the legislation now before the committee.

Mr. LAGUARDIA. That is a part of the traffic ordinance of every city in the country. It is in New York City, although it is awfully hard to enforce it.

Mr. BLANTON. Oh, we can enforce this in the equity courts by an injunction, if we pass it.

The CHAIRMAN. The amendment last offered by the gentleman from Texas [Mr. BLANTON] is decidedly different from the other amendment ruled out of order by the Chair. This merely declares what the purpose of the highways shall be at certain particular points; and as the legislation under consideration is a regulation of traffic over the streets at all points, it seems to the Chair that the amendment is in order. The Chair overrules the point of order.

The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

Mr. TREADWAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TREADWAY. I would like to know if it would be possible, now that we have finished the bill, that it be written out so that one can comprehend it and understand just what we have passed?

The CHAIRMAN. That is not a parliamentary inquiry.

BOARD OF PUBLIC WELFARE

Mr. ZIHLMAN. Mr. Chairman, I call up the bill (H. R. 5045) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes.

The Clerk reported the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the Senate bill 1430, of similar title, be considered in lieu of the House bill.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that Senate bill 1430 be considered in place of House bill 5045. Is there objection?

Mr. CRAMTON. Mr. Chairman, reserving the right to object, which I do not intend to do, I think this would be as good a place as any for the gentleman from Maryland [Mr. ZIHLMAN] to state to the committee whether there are any important and essential features of difference between this Senate bill which he proposes to bring up now and the bill which passed the House in the last Congress.

Mr. ZIHLMAN. I will say to the gentleman that the only difference in this bill as passed by the House at the last session of Congress is in section 11, where the language is stricken out, in referring to the Board of Children's Guardians, where the following powers are vested in the welfare board. It is under subdivision (a):

To aid in the enforcement of laws for the protection of children and to cooperate to this end with the courts and all public and reputable private agencies.

Those words are stricken out. That is the only difference.

Mr. CRAMTON. The language that appears in the present House bill is omitted in the Senate bill under paragraph (a)?

Mr. ZIHLMAN. Yes; subparagraph (a).

Mr. LaGUARDIA. Further reserving the right to object, what effect will that have on the mothers' pension bill passed a few days ago?

Mr. ZIHLMAN. It does not affect it in any way.

Mr. LaGUARDIA. Who was the author of the Senate bill?

Mr. ZIHLMAN. Senator CAPPER. Mr. Chairman, I move that we take up Senate bill 1430.

Mr. BLANTON. A point of order—

The CHAIRMAN. The gentleman from Minnesota has the floor.

Mr. KELLER. We have already substituted one Senate bill to-day in the Committee of the Whole.

The CHAIRMAN. There is a difference in that case, as that was on the calendar and this Senate bill is not on the calendar.

Mr. BLANTON. I make a point of order that there being a Senate bill which is substantially identical with the House bill on the Speaker's table that, under the rules of the House, it is in order to move to substitute the Senate bill.

The CHAIRMAN. That is in the House, not in the Committee of the Whole.

Mr. BLANTON. Is not this Senate bill on the Speaker's table?

The CHAIRMAN. That motion can be made in the House, but not in the Committee of the Whole House.

Mr. ZIHLMAN. Mr. Chairman, I call up the bill H. R. 5045.

The CHAIRMAN. The bill has been called up and reported. Does the gentleman desire to proceed under the five-minute rule?

Mr. ZIHLMAN. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

Mr. HILL of Maryland. Mr. Chairman, reserving the right to object, if this bill is the same as that passed last year, I remember last year we had a very long and interesting discussion of the question as to what is to be done with the Board of Children's Guardians?

Mr. ZIHLMAN. It is the same bill the House passed last session with a few minor changes.

Mr. HILL of Maryland. Nothing in it about the Board of Children's Guardians?

Mr. ZIHLMAN. Yes, sir.

Mr. HILL of Maryland. Will the gentleman explain?

Mr. ZIHLMAN. The chairman of the subcommittee will explain the provisions of the bill.

Mr. KELLER. Mr. Chairman, this bill is in substance the same as that passed last year. This is a bill to create a board of nine members, and this new board will take over all the powers of the three existing boards, including the Board of Children's Guardians.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

Mr. BLANTON. If the gentleman does not want to use some time, I have some requests.

Mr. ZIHLMAN. I will say the gentleman from Minnesota [Mr. KELLER], I presume, would like to make a statement as to the purposes of the bill.

Mr. KELLER. Mr. Chairman, the reports of the Senate and House are very definite in regard to every feature of the bill, and I think every Member has read the report. The hour is late, and I do not desire to take up much time in explaining the bill, which can be done under the five-minute rule, and if there are any questions which members of committee desire to ask for information, not contained in the report or in the paragraphs of the bill, I can answer those questions under the five-minute rule.

Mr. BLANTON. The gentleman from Kentucky wants some time.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. KELLER. I will.

Mr. NEWTON of Minnesota. As I understand this bill, it is practically the same as the bill passed by the House a year ago, and it was indorsed by all of the civic and welfare organizations of the District?

Mr. KELLER. Yes, sir. Now, the bill last year was amended by an amendment offered by the gentleman from Texas referring to mothers' pensions, and we have already passed the mothers' pension bill, so that question does not enter into it.

Mr. BLANTON. Mr. Chairman, the gentleman from Kentucky [Mr. GILBERT] desires some time. I yield to him such time as he wants within the hour.

The CHAIRMAN. The gentleman from Kentucky is recognized for one hour.

Mr. BLANTON. For such time as he wants within the hour.

Mr. NEWTON of Minnesota. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NEWTON of Minnesota. I am under the impression that under a unanimous-consent arrangement general debate was done away with, and the committee was to consider this bill under the five-minute rule.

Mr. BLANTON. Oh, no. The time of the whole evening was divided.

The CHAIRMAN. The time is divided between the gentleman from Texas [Mr. BLANTON] and the gentleman from Maryland [Mr. ZIHLMAN]. The gentleman from Texas has yielded to the gentleman from Kentucky.

Mr. GILBERT. Mr. Chairman and gentlemen of the committee, Shakespeare said:

Some men are born great, others achieve greatness, while still others have greatness thrust upon them.

Honors come in the same way. I have the honor of serving on the Committee on the District of Columbia, and the honor I derive from serving on that committee is derived wholly through the last course. The District of Columbia's purpose is to be the seat of government, and incidentally the people in Washington may live here. People who have to come here to attend to public business retain their right of suffrage elsewhere. Those who are born here and come voluntarily do so knowing that they surrender their suffrage and receive in its place the benefits incident to being close to the seat of government.

We have often heard here that the District Committee should bring in such legislation as the people of Washington want. But, for the reasons I have just stated, that is less true of the city of Washington than of any other city in the United States. I have endeavored to conform to their wishes in matters of legislation except where they ran counter to my own sense of right and justice, and I have had a very peculiar experience with this bill.

When it was before the House last session it seemed to me to be radically wrong. It seemed to me it was not justified by human experience or by logic. But acting under that continuous insistence that we legislate as the people of the District want, I did not oppose it. The bill passed the House, and in the interim between then and now a situation has arisen which vindicates my position on the bill, and I decline further to follow it simply because the people of the District want it.

As I said, in the interim we have demonstrated, and the author of this bill will concede it to this extent, that the bill is unsound in that one board should regulate all public welfare. He introduced a bill not long ago for child welfare within the District. That was a very wise and a very proper piece of legislation. The only contention on that bill was whether or not it should be administered by a board altogether

its own, or whether it should come within the general welfare committee that should handle all welfare and charity matters.

People came before our committee from the State of New York, and especially from the city of New York, insisting that child welfare had failed when placed in the control of the same board that controlled other public charities and welfare, and that for the best interests of child welfare there should be a board having no other function than the functions of that particular administration; that is, for child welfare. The Washington people came before the committee and opposed that and said that all charities and all welfare activities should be consolidated under one head.

We had hearings on that matter and the New York idea prevailed. There was some criticism to the effect that we were dictated to in the District of Columbia by New York, and the fact that the New York people came here—although they were welcome—if it had any effect upon my attitude upon the bill other than to scrutinize my position more carefully, was detrimental rather than otherwise, because I felt that the people of New York should not dictate to the people of Washington.

Their position, however, coincided with the position I had taken the year before, and in my honest belief every board of charity exercised without compensation should be limited to the functions of that particular charity. The arguments that the New York people made were so conclusive to my mind and so coincided with the views I had from the start that I felt it incumbent upon myself to reverse the position I had consented to a year ago in agreeing to support this bill and to now oppose it.

Therefore, I say this House has by its vote established the fact that the principles of this bill are wrong. What does this bill do? It creates a new commission, to be appointed by the Commissioners of the District of Columbia, who shall have charge not only of separate charities and separate welfare activities, but also correctional institutions. There are other people on the committee that oppose the passage of this bill, because they believe the jail and the houses of correction should not be administered by the same board that administers purely charitable and public-welfare activities. To my mind that is obviously true. But I go further than that. I say that every charity controlled by a board serving without pay should limit its functions to the operations of that particular charity.

I have not had much experience in city legislation, but down in the country from which I come, in the small towns with which I am familiar, we have in a small way these charitable boards. The good women of our town operate a hospital known as the King's Daughters' Hospital. They serve without pay and they take great interest in their work, and it is a success.

There are other women, serving without pay, who operate the Red Cross. There are other women, serving without pay, who operate other charitable institutions. They take pride in that work. Each one is interested in the institution making a good showing. They are jealous as to the rights and privileges of that institution. It would be unwise to have the same board administer the King's Daughters Hospital, the Red Cross, and so on, because their self-interest, their jealousy of their own institutions, and their pride in making a good report would be lessened if all of these were put into a hodgepodge and administered by one charitable board without pay.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. LA GUARDIA. There is also the diversified nature of the work, one being a correctional institution and the other being purely a welfare proposition.

Mr. GILBERT. That is absolutely true. You might as well argue that a policeman should conduct the Sunday schools or that a policeman should conduct the King's Daughters Hospital as to say that the same board which operates the jail in the District of Columbia should take care of the poor children of the District of Columbia.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. HILL of Maryland. And also should take care of the District Training School in Arundel County.

Mr. GILBERT. I am going to come to that in just a minute. There is no reason for that. This House has decided that the same board that takes care of some of these charities—for instance, the Board of Charities—should not administer child welfare.

If the Board of Charities is not the proper board to have control of the administration of child welfare, then it is not the proper board to have charge of the girls' school over in Maryland, a school maintained for the correction of girls. Now,

there is one institution that by all means should come out of this bill.

Mr. BLANTON. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. BLANTON. So far as the mothers' pension bill, so called, which has been passed by this House and is now pending in the Senate, is concerned, I understand from the gentleman from Maryland [Mr. ZIEHLER] and the gentleman from Minnesota [Mr. KELLER], who will be two of the conferees on that bill and on this bill, that they will protect the action of the House in passing that bill separately, in keeping that a separate and distinct board, and that is my attitude. I believe it should be a separate and distinct board and that there should be no attempt to combine the two under one board.

Mr. GILBERT. That is true, and the people who came before our committee demonstrated that they should not be mingled into one board, and this House decided that they should not be, and for that very reason it is unwise to commingle these other boards. The same reason applies exactly.

Mr. LA GUARDIA. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. LA GUARDIA. You have the tuberculosis hospital and the workhouse under exactly the same jurisdiction?

Mr. GILBERT. Yes. We have the same board, serving without pay, administering the workhouse, the jail, the tuberculosis hospital, and other charitable matters.

Now, gentlemen, I want particularly to call your attention to the National Training School for Girls. In 1888 the National Training School for Girls was provided for. A site was bought and a home was provided in the District of Columbia where girls should be sent for correction by the Federal courts all over the United States. At about the same time a home was provided, a correctional institution, for boys who were sent to it by the different Federal courts in the United States. You will notice that this bill does not make any change as to the boys.

Mr. KELLER. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. KELLER. There is, however, a very distinct difference between the two institutions. The institution in Maryland, the Training School for Girls, is an institution that is financed out of moneys of the District of Columbia and belongs to the District of Columbia, whereas the Training School for Boys is a Federal institution entirely and financed out of Federal moneys. That is the difference between the two.

Mr. GILBERT. The reason for that is this, because there were so few girls sent to this home and that it was practically filled with girls from the District. Later on, although it was not originally contemplated, it was put in an appropriation bill so that it did come out of these funds, but another change has taken place. However, before I get to that, the reason for that is that girls are naturally better than boys. You hear about girls going wrong. No girl ever goes wrong unless some boy goes wrong with her and generally in the lead of her, with the result that there are very few girls sent to correctional institutions while there are a great many boys.

The courts over the United States did not take advantage of this institution for girls, but having a lot of boys on hand they did send them here, and the home was filled with District boys and with boys from other parts of the United States who were sent here. Then, as the gentleman says, later on it became so that this school was provided for out of District funds. But, as I said, another change has taken place. They have now arranged and provided for taking care of girls. A new home has been bought, new arrangements have been provided, and at the time of the introduction of this bill they were just beginning to advise the Federal judges of the United States of the fact that this home was here and ready for them. They had not been sending them here because the girls' home did not let them know about it, and they did not actually know there was such a home here until within the last year or two, when they had a new home provided and were prepared to disseminate that information over the United States. Then this bill was introduced.

Mr. CRAMTON. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. CRAMTON. I happened to be on the committee handling the District bill when the funds were provided for the new home the gentleman speaks of. It was urged at that time strictly and solely in order to permit a further segregation of the girls, some to be sent out here on the Conduit Road and some to the new home. There was to be the segregation of races and a greater segregation as to ages. There was no suggestion at that time of the Federal aspects of the case.

That was not urged upon the committee, and the home, as a matter of fact, was not provided for the purpose of taking care of commitments from all over the country. It was a District proposition.

Mr. GILBERT. In answer to that I will read the testimony of the president of the Boys' National Training School and one of the trustees of the girls' school. This was before a joint hearing of the Senate and the House, and is a statement of Mr. Duehay, of the United States Department of Justice:

Mr. DUEHAY. These schools started out practically the same, but we committed boys to the boys' school because we had accommodations for the Federal boys and the District boys, too. To-day we have 202 Federal boys at our school and 116 District of Columbia boys. That is not one-tenth Federal boys. Federal commitments in the girls' school have not been extensive, because the institution was crowded with District of Columbia girls and there was no room for Federal girls. During the war emergency we had to designate 14 Federal girls from the camps to this school, and we kept them there three or four weeks and had to send them to Massachusetts simply because the school was not large enough. We had an appropriation for the support of prisoners and could go out and board our girls.

Further testifying, he says:

We are just about ready to announce to the department that we are able to take care of them, and we have been cooperating with the superintendent of prisons, and he is just about ready to circularize the Federal judges. Of course, if this goes under the District, well, then, the Federal Government is out again.

Mr. KELLER. Will the gentleman yield?

Mr. GILBERT. Yes.

Mr. KELLER. At that particular point, or at some other part of the hearing, you will find there were some questions asked as to how this institution is being run and how it is financed, and you will find that the persons who are sent here from other parts of the United States are very few. I think they have had one or two in the last two or three years, and when they are sent there the Federal Government pays for such person; and, vice versa, at the Boys' Training School, when the District of Columbia places any boys there they pay the Federal Government for such service.

Mr. LA GUARDIA. Will the gentleman yield for a reply to that?

Mr. GILBERT. Yes.

Mr. LA GUARDIA. It is not a question of who pays for the maintenance of this institution; it is a question of the character of their work and whether it should be placed under one supervision. Is not that the point the gentleman is making?

Mr. GILBERT. Absolutely. The point I am making is that this is not a District matter, and it ought not to be under District control, regardless of who pays the bill. Further legislation as to paying the bills can be taken care of. This is a Federal institution and the Federal Government should have a place to send these girls. There is no place to which the Federal courts in my State can send them. They ought to have a place to send them under the control of Federal authorities instead of District authorities.

Mr. KELLER. Will the gentleman yield again?

Mr. GILBERT. Yes.

Mr. KELLER. Does not the gentleman know that the persons who would be sent to an institution of this kind from all over the United States would be very few? I do not believe there are over a dozen of the age to be sent to an institution of this kind. Does the gentleman believe the Government of the United States ought to finance an institution where they only have 12 or 15 from all over the United States and bring them here to Washington to an institution which is far removed from their own people?

Mr. GILBERT. The gentleman disagrees with this witness, who says they had 14 sent at one time, and they had to send them to Massachusetts.

Mr. KELLER. That was during the war, and at an unusual time. I am speaking of normal times. The gentleman will also find the Federal Government will suggest that all persons of this sort all over the United States should be placed in institutions near their homes, in some State institution, the Federal Government paying for such service.

Mr. GILBERT. As I was just stating to the gentleman, there are many States in the Union, and one of them is mine, where there is no place they can send them, and the Federal Government ought to have a home at the seat of government where it can send them just like it sends the boy. The statement there would be but 10 or 12 of them is purely voluntary and in my opinion grossly incorrect. I believe if it was well known all over the United States that they have a proper

home here for girls who need correctional training there would be any number of them sent here.

Mr. KELLER. Will the gentleman yield?

Mr. GILBERT. And one reason they are not being sent now is because there is no place to send them.

Mr. KELLER. That is not the reason. The reason is the girls you are referring to are girls that are taken care of by home institutions of their own States and by the different municipalities. The Federal Government does not have anything to do with placing those girls in such institutions, because they do not come under the Federal laws.

Mr. GILBERT. I am just stating to the gentleman there are many States that have no place to send them and I will say furthermore to the committee that there is no reason for this bill. It is simply an attempt on the part of some civic leaders to be doing something.

There is not a line of proof that this board has not acted splendidly in the past. The proof is to the contrary. It has worked well under separate management. Why change it?

Another thing, the Attorney General of the United States—I do not know about the present Attorney General, but a year ago the Attorney General was opposed to taking this from under his control. The board of the National Training School for Girls is appointed by the Attorney General. In its functions it is purely a Federal matter, and for my part I object to taking that institution, which is supposed to provide a place for girls from Kentucky and Tennessee and Texas, and putting it under the charge and under the control of the District of Columbia commissioners.

Mr. HILL of Maryland. Will the gentleman from Kentucky permit an interruption?

Mr. GILBERT. Yes, sir.

Mr. HILL of Maryland. Does not the same thing apply to the Board of Children's Guardians? I am asking this for information. Is there any reason why the work of the Board of Children's Guardians, which apparently is being very properly conducted at the present time and which deals with a very special phase of public activity, should be taken from its own independent supervision and put in an organization dealing with an entirely different matter?

Mr. GILBERT. Absolutely no reason in the world, and I defy the author of this bill to find in the hearings a line where a single one of these boards has justified its abolition. Every one has worked successfully.

Mr. KELLER and Mr. CRAMTON rose.

Mr. GILBERT. Let me finish this sentence and then I will yield. You will find only the general statement that there has been an overlapping of authority—not in any particular pointed out—and that they think it would be best to consolidate these activities, and they introduce splendid gentlemen who testify about them, such as Justice Siddons.

But they have not pointed out any place where the boards have operated as a failure or anything that would justify the consolidation or experiment of consolidating the different charities, correctional institutions, into one hodgepodge to be administered by the same board or one directorate.

Mr. KELLER. The report of the welfare commission appointed by the District commissioners was unanimous on this legislation. That welfare commission consisted of the best people in the District of Columbia of all classes. Now, does the gentleman mean to say that those people that made a two or three years' study of the matter would recommend a bill that would not be beneficial to the welfare work of the District of Columbia? Every member of these boards except one appeared before the committee.

Mr. GILBERT. In answer to the gentleman I repeat what I said. They all said that they wanted it, but gave general reasons, and I repeat that you can not find in the hearings anywhere a concrete statement where the separate boards have fallen down in the administration of their functions.

Mr. KELLER. They said that if they were permitted to function as one board, they would save considerable money out of the funds that are appropriated for these different purposes.

Mr. GILBERT. They did not point out how they would save a single dollar.

Mr. KELLER. They pointed out enough to convince the committee.

Mr. GILBERT. I ask the gentleman to point out in his time in the hearings where they have shown that any board has been guilty of carelessness, inefficiency, corruption, or negligence.

Mr. KELLER. That would not be necessary.

Mr. HILL of Maryland. If the gentleman will yield, I want to say that at the present time, or last year, the Board of Children's Guardians received an appropriation for administra-

tive expenses in 1925 of \$46,100; for the board and care of children under its guardianship, \$157,500; and for the maintenance of the Industrial Home School, \$44,440; a total of \$248,040. At the present time there are nine members on the board of guardians, and those nine members are deeply interested in this matter. You propose to substitute for the nine members another nine which will have charge of all services?

Mr. KELLER. All nine members have recommended the doing of this very thing.

Mr. CRAMTON. I do not want to encroach on the gentleman's time, but the gentleman from Maryland asked for information, and the gentleman from Kentucky tells him that it can not be given. I do not suppose I can give it as fully as one better informed, but there is overlapping and want of coordination of the different institutions. For instance, the Board of Children's Guardians, which the gentleman from Maryland [Mr. HILL] has spoken of, has charge of the placement of children and looking after them. They place a child, for instance, in a certain institution for the feeble-minded; that is to say, they take care of certain children they think are feeble-minded. We have established an institution for feeble-minded; we have provided for the transfer from one institution to another. This bill proposes that the institution for feeble-minded and the work of other institutions pertaining to children shall be brought under one board in close coordination so that when a child comes under the attention of the board they determine whether it is best for the child to be put into a home or into an institution, or perhaps if a delinquent he needs to be put in a national training school for boys or for girls. All of these, instead of overlapping, are brought under one management.

Mr. HILL of Maryland. I recall that in the last Congress or perhaps a previous one when this matter came up the gentleman went into it very fully and there was considerable discussion on the safeguarding of children by putting them into various homes.

Mr. CRAMTON. At this time the Board of Children's Guardians was on a limb all by itself with no supervision. Another board had charge of an institution to which children could be committed only by the Board of Children's Guardians. We corrected that and put the Board of Children's Guardians under the supervision of the commissioners. Now, this institution which the gentleman from Kentucky speaks about for girls is out on a limb, no one gives it supervision, and while it appeared that the present management is efficient, under the former régime there was extreme gross mismanagement. It ought to be brought in coordination with other institutions.

Mr. HILL of Maryland. The gentleman believes that this coordination is one that will improve the general situation?

Mr. CRAMTON. It seems to me very much that way.

Mr. LAGUARDIA. Would the gentleman put the supervision of these boys and girls which he has described and classify them together with the workhouse and the reformatory and the jail? We are going backward instead of forward. They do not do anything like that in any enlightened community.

Mr. CRAMTON. The fact that they are both under the supervision of one board out there does not classify the children in this training school with the inmates of the workhouse at Occoquan.

Mr. LAGUARDIA. But the attitude of the board should be entirely different.

Mr. CRAMTON. It will not affect the attitude of the board.

Mr. GILBERT. Mr. Chairman, even if the gentleman were right in his position as to the slight overlapping of authority, that simple matter does not compare with what the gentleman from New York [Mr. LAGUARDIA] has brought out, namely, the viciousness of the principle of taking those unfortunate children and administering them by the same board and officer who handles criminals and cutthroats at the jail and at the workhouse. The gentleman from Michigan [Mr. CRAMTON] volunteers some information that does not conform to the hearings at all. It may have conformed to the hearings before his committee. I do not know about that. The hearings that we have had here point out that this institution, the National Training School for Girls, has been splendidly managed not only by those in charge but those opposed to the bill conceded it.

Mr. CRAMTON. Mr. Chairman, I would not want to be misunderstood on that point. The present board, beginning with the administration of Mrs. Veerhoff, has been well managed, so far as I know. Prior to that time there was gross mismanagement, as their experience in the building of the brick structure out near the Conduit Road amply illustrates.

Mr. GILBERT. The present board is managing it well and it is a Federal institution, in function. The Attorney General, who is administering it, is opposed to putting it under the Dis-

trict. Nobody wants it except a few civic workers here; and if that is so, why change it?

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. GILBERT. Yes.

Mr. KELLER. The Attorney General has indorsed placing it under this board.

Mr. GILBERT. What Attorney General?

Mr. KELLER. A year ago when this matter was up a certain person in the Attorney General's office wrote a letter disapproving of it; but a week or 10 days later, when they really received some information, they reversed themselves and indorsed placing this institution under the general board created by this bill.

Mr. GILBERT. It is very strange that the gentleman let that information go to the committee in the shape it did go, in view of the statement he is now making to the House. I want to read from the hearings before the committee:

Representative KELLER. The present Attorney General has written a letter, I believe, to both committees—at least I received one—in which he does not agree with the commission, but states no particular reason.

Representative GILBERT. What is the opinion of the present Attorney General? His letter simply stated they were opposed to the idea of the commission in this bill, but stated no reason why. I would like to have an opinion or explanation of why they take that position.

Mr. KELLER. My answer to that is that a week later they wrote a letter indorsing this.

Mr. GILBERT. A week after the hearings?

Mr. KELLER. In a week or 10 days, a very short time after the time the gentleman refers to there, indorsing the thought that this should be placed under the board created by this bill.

Mr. GILBERT. There has been a great deal of pressure brought to pass this bill. The Attorney General's office, in my opinion, is opposed to the bill. That same pressure perhaps did cause a letter taking back what they had said in part, but there is no reason for this bill. It is contrary to science; it is contrary to principle and the policy adopted by this House less than a month ago. I insist that these separate charities be maintained by these separate boards, which are now and have been working satisfactorily, and that the poor children who happen to come within the charitable control be not administered by the same man who administers the jail and the workhouse of this District. I yield back the remainder of my time.

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL of Maryland. Mr. Chairman, I ask the committee to look at page 3 of the report on this bill and note the different and totally uncorrelated activities which are proposed to be placed under the welfare board. Here are the things proposed to be joined in administration with the Board of Children's Guardians: The workhouse at Occoquan, Va., where short-term prisoners convicted of minor offenses are kept; the reformatory at Lorton, Va., for long-term prisoners; the Washington Asylum and Jail in the District, a place of detention for persons awaiting trial; the Gallinger Municipal Hospital, in the District, which receives indigent patients needing hospital care; the tuberculosis hospital, which receives indigent tubercular patients needing care; the Home for the Aged in the District, which cares for the aged; the municipal lodging house of the District, which provides temporary shelter and care for homeless men; the Industrial Home School for Colored Children, which, while under the general supervision of the Board of Charities, receives all its children through the Board of Children's Guardians, under whose guardianship they have been placed by the juvenile court; and the Home and Training School for the Feeble-Minded, in Anne Arundel County, Md., to which feeble-minded persons from the District are sent for custodial care. I ask the chairman of the committee upon what theory of welfare work would the care of little children, who have nothing against them except that they are poor and have to be supported, be placed under the supervision of a board charged with administering short-term prisoners convicted of minor offenses and reformatory prisoners? There is no connection between them.

Mr. KELLER. The understanding and suggestion made by persons interested, by citizens of the District of Columbia, was that this board was to be divided into three divisions. I suppose they will be determined along the line suggested by the gentleman.

Mr. HILL of Maryland. Have there been any protests against the work of that board?

Mr. KELLER. Yes.

Mr. HILL of Maryland. As to not being satisfactory?

Mr. KELLER. Yes.

Mr. HILL of Maryland. Will that be cured by putting it under a new board?

Mr. KELLER. We hope so.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Board of Charities of the District of Columbia, created by act of Congress June 6, 1900; the Board of Children's Guardians of the District of Columbia, created by act of Congress July 26, 1892; the board of trustees of the National Training School for Girls, created under the name of the Reform School for Girls by act of Congress July 9, 1888, shall be abolished upon the appointment and organization of the board of public welfare as herein-after provided.

Mr. GILBERT. Mr. Chairman, I offer an amendment. Beginning on page 1, line 6, after "1892," strike out "the board of trustees of the National Training School for Girls, created under the name of the Reform School for Girls by act of Congress July 9, 1888."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, after the figures "1892," strike out all of line 6 and all of lines 7 and 8 down to the figures "1888" in line 9.

Mr. TILSON. Will the gentleman from Kentucky suspend, so as to allow the committee to rise?

Mr. GILBERT. Yes.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the Clerk be instructed to correct the spelling of words in the bills we have laid aside. I notice there was one misspelled where it lacks an "s."

The CHAIRMAN. Without objection, that will be done.

There was no objection.

Mr. GILBERT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GILBERT. When this bill is called up again where do we begin?

The CHAIRMAN. That rests entirely with the chairman of the committee. He can call up another bill if he cares to do so.

Mr. GILBERT. But if this bill is called up?

The CHAIRMAN. If this bill is called up, we will begin where we left off.

Mr. GILBERT. And I will be given an opportunity to explain my amendment?

The CHAIRMAN. The gentleman's amendment will be pending when the bill is called up, and he will be entitled to five minutes.

Mr. ZIHLMAN. Mr. Chairman, I move that the committee do now rise and report back to the House the bills H. R. 9685, S. 2041, and H. R. 3802 with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bills H. R. 3802, S. 2041, and H. R. 9685, had directed him to report the same with sundry amendments with the recommendation that the amendments be agreed to and that the bills as amended do pass.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that the previous question shall be considered as ordered on the pending bills and amendments to final passage.

The SPEAKER. Is there objection? The Chair hears none. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the House bills and the third reading of the Senate bill.

The Clerk read as follows:

A bill (H. R. 3802) to amend an act known as the District of Columbia traffic act, 1925, approved March 3, 1925, being Public No. 561, Sixty-eighth Congress, and for other purposes.

A bill (S. 2041) to provide for the widening of First Street between G Street and Myrtle Street NE., and for other purposes.

A bill (H. R. 9685) providing for expenses of the offices of recorder of deeds and register of wills of the District of Columbia.

The SPEAKER. The question is on the passage of the bills. The question was taken, and the bills were passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bills were passed was laid on the table.

Mr. BEGG. Mr. Speaker, as Chairman of the Committee of the Whole House on the state of the Union, I wish to report back to the House further that the committee had under consideration the bill (H. R. 5045) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, and had come to no resolution thereon.

The SPEAKER. The gentleman from Ohio [Mr. BEGG], Chairman of the Committee of the Whole House on the state of the Union, reports further that that committee, having under consideration the bill H. R. 5045, had come to no resolution thereon.

ATTITUDE OF THE LUTHERAN CHURCH ON PROHIBITION

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a brief statement in regard to the attitude of the Lutheran Church on prohibition.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD by inserting a brief statement in regard to the attitude of the Lutheran Church on prohibition. Is there objection?

There was no objection.

Mr. KVALE. Mr. Speaker, the gentleman from Massachusetts [Mr. TINKHAM] included in his remarks on March 3 a statement by Professor Graebner, of Concordia Theological Seminary, St. Louis, regarding the attitude of the Lutheran Church on prohibition.

In all fairness it should be stated that the synodical conference, for which Professor Graebner speaks, comprises only a part of the Lutheran Church in America. There are other and larger bodies of Lutherans in our country, notably the United Lutheran Church, numbering about 1,000,000 communicant members; the Norwegian Lutheran Church of America and the Swedish Augustan Synod, numbering about half a million. The attitude of all these regarding prohibition and law enforcement is set forth in editorials in their church papers and in resolutions unanimously adopted at their annual conventions, all voicing the most loyal support of the eighteenth amendment.

From the minutes of the Fourth Biennial Convention of the United Lutheran Church in America, 1924, page 273, I quote:

In the matter of prohibition enforcement we repeat and reprint the resolution passed by the United Lutheran Church in convention at Buffalo in 1922:

"Concerning the problem which has been created by those who in an unlawful way are seeking to invalidate the law of the United States in the matter of prohibition enforcement, we would call attention to the constant necessity of enforcement laws on the part of Congress to render all constitutional provisions effective. It is the duty of loyal citizens everywhere within the United States to abide by constitutional provisions and the laws passed by Congress relating to their enforcement."

From the minutes of the Sixty-sixth Annual Convention of the Augustana Synod, 1925, page 170, I quote:

Resolved, That we express emphatically our continued interest in the enforcement of the eighteenth amendment and all laws enacted in conformity therewith.

I also quote the following extract from the annual report of the Norwegian Lutheran Church of America:

We, the members of the Norwegian Lutheran Church of America in convention assembled, have viewed with the greatest satisfaction the continued temperance victories being won in our country. We also view with equal satisfaction the fine beginning made in foreign lands, and particularly in Scandinavian countries, looking toward world-wide prohibition: Therefore

Resolved, That we express our profound thanks to Almighty God for the great moral, social, and economic victory won by the Christian sentiment of this country in outlawing the liquor traffic. In order that the full benefits of this victory may be realized we urge upon all law-enforcement officers the strict and thorough enforcement of the Volstead prohibition enforcement law.

Resolved, That we urge upon the leaders of both political parties the absolute rejection of all proposals to repeal or to weaken the Volstead Act.

CONFERENCE REPORT ON SENATE BILL 1129

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks on the conference report on Senate bill 1129, authorizing the sale of certain military posts.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker, a proviso in the conference report on the disagreeing votes of the Senate and House on the amendments of the House to Senate bill 1129, which has become a law, is not only of history-making significance but has a background of memories which will some day, when the pen of a Macaulay shall write a history of the United States, become thrilling and exalting chapters in a fraternal strife the bitterness of which has been buried forever by the sons of the blue and gray in their common love for a reunited country and their devotion to the flag that so proudly floats over the land of the free and the home of the brave. Just as Englishmen to-day glory in William the Conqueror and Harold, the last of the Saxon Kings, in the House of York and in the House of Lancaster, in the martial achievements of those that wore the red rose and those who wore the white, shall Americans in the years that lie ahead, when tender memories come back like burning stars to drive the gloom away, if there be gloom, exult in the reflection that Grant and Lee, Sheridan, and Stonewall Jackson, were their countrymen and move them to the heights of national pride and patriotism, voicing itself in the exclamation of Webster:

I thank God I, too, am an American.

Listen to the proviso, as explained in the statement of the managers on the part of the House:

On No. 28: This proviso is inserted to take care of a situation existing in the State of Louisiana, where the National Guard has been occupying Jackson Barracks, an abandoned Government reservation of 87 acres, since February 1, 1921, keeping the buildings in a good state of repair without expense to the Government. The Inspector General of the Army has commended the Louisiana National Guard highly for the manner in which this property has been cared for.

The post is now being occupied by the Washington Artillery Battalion of Field Artillery, an old historical organization, dating back to the Mexican War, and several troops of Cavalry, together with 125 horses, the matériel and transportation of these organizations; for storage purposes for all Federal property issued to the State and not in the hands of troops. Buildings are also used for armory purposes and as quarters for the officers commanding the organizations mentioned above. The National Guard has expended \$6,000 for the construction of stables alone, and has incurred a great deal of expense in the repair of many buildings on the reservation.

The Louisiana National Guard wishes to purchase the whole tract to be held for the future development of the guard, but believes permission should be given to sell any portion of the land not found necessary for the development of the guard because of curtailment of National Guard activities by the National Government. This permission is given with the proviso that no portion of the land shall be sold without the approval of the Secretary of War.

The language of the amendment as agreed upon has the approval of the Secretary of War.

W. FRANK JAMES,
JOHN PHILIP HILL,
HUBERT F. FISHER,

Managers on the part of the House.

Some one once said that the Civil War was a four-year battle between the North and the Washington Artillery. Of course, that was the facetious but affectionate utterance of many loving lips. But historians and strategists are agreed that Gettysburg tested and evidenced the capacity of the opposing forces and won a secure and lasting place for them in the science of war; and the perfect manner in which the Washington Artillery covered the withdrawal of Lee from that immortal battle field is a fadeless epoch in that titanic struggle, for there were, indeed, giants in those days. Many of the Washington Artillery have passed into the great beyond.

On fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Their sons went out in 1898 when the bugle blast called for volunteers for the Spanish-American War. They were down on the Mexican border with Pershing. They were overseas "in Flanders Field, where the poppies grow," and little crosses mark the last sad, silent resting place of our American dead—heroes whose sacrifice will never be forgotten by a brave and valiant people.

Nor shall your glory be forgot,
While fame her record keeps;
Our honor points the spot
Where valor proudly sleeps.

But let us turn from the past, "giving one longing, lingering look behind," to the future of the State National Guard of every State in the Union, as outlined to me by a friend whose affection I value and to whose services to the State every Louisianian is proud, Adjt. Gen. Louis A. Toombs:

The State National Guard—its genesis, its high resolve and noble purpose.

Quoting from the Constitution of the United States:

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

In 1792 Congress passed an act which had for its purpose—I quote:

More effectually to provide for the national defense by establishing a uniform militia throughout the United States.

Had the Congress and the people followed this act and provided a balanced, organized, trained, and equipped militia for that day along the lines of our present National Guard there would not have been the debacle of 1813, when the raw, unorganized, and untrained troops lost the acquisition of Canada and permitted our National Capitol to be burned, and this with more than 500,000 Americans against 67,000 British regulars. The War of 1812 is a picture of unpreparedness that should make even a pacifist weep if he had any American blood in him. God forbid that this history repeat itself.

For more than a century this same old law of 1792 remained and this potential force of citizen soldiery for national defense was an unknown asset, because the Federal Government had never taken any interest nor encouraged its proper development.

From date of the establishment of our Republic down to and including a period shortly before the Spanish-American War the militia of the country remained an "intangible asset." Organizations were perfunctorily maintained in towns, districts, counties, and so forth, but most of these organizations were compelled to support themselves; there was little or no State support; the members were generally required to supply their own arms and provide their own ammunition, while uniforms—if uniforms they had—were procured by bartering shingles, hides, lumber, and other commodities for cloth, from which their uniforms were fashioned oftentimes by none other than the good housewife. The type of organization conformed to the exigencies of the time and to geographical limitation, which latter was in that day a no inconsiderable limitation. Field training and muster for these units was sometimes held for periods of two or three days each year. Although training and discipline was, perforce, almost entirely lacking, nevertheless there breathed in that body of men the very spirit which has made of the National Guard that highly creditable element of our national defense which it is to-day. What I have just said is a brief picture of the early struggles of the militia, it is true, but time will not now permit me to attempt a closer scanning of these years; I must hurry on to later times.

Many individual militia regiments rendered glorious service in the Civil War, but as this was largely a fight of volunteer against volunteer, it only again demonstrated that our wars are fought by the citizen soldiery. After the close of the Civil War, as after the close of the Revolution and War of 1812, the Federal Government again failed to recognize the service rendered by its citizens and their great potential value only awaiting proper development. The Government taking no lesson from the past, wherein the large majority of its fighters in all its wars were citizen soldiers, again let the burden of national defense by its citizens fall back on the States.

Let us now step into the period just before the Spanish-American War. Even at this late date the militia was in most cases a thing of "parts"—many parts; each State a thing apart, and many parts within a State—with little or no effort put forward toward the maintenance of a balanced force and with scarcely any coordination in training of the various units. At this time no Federal funds were appropriated for the support of these militia organizations and, except in a few States, the most meager State funds were appropriated.

In 1898 the Spanish-American War found us, but we had not "found" ourselves. I venture to say that the taste from that bitter pill of unpreparedness lingers to-day with many a man who served during those hectic days. In spite of this the guard or volunteers made such a creditable showing that the Government finally noting the value and possibilities of a well-organized and trained citizen soldiery, made a start toward a national military policy.

Profiting by the sad experiences of that war, the keenest military minds of our country—civilian soldier as well as professional—realized that there must be built up within our

Nation some defensive military force which in time of need could supplement our always-to-be-small standing Army.

It was evident to all that any plan for universal military service in time of peace would meet nothing less than opposition. Dismissing, therefore, any hope of universal service, our military thinkers cast about for other means which would provide for our national security. It was apparent that our reliance in this respect must rest wholly upon the foundation of voluntary service. This being so, what then could be safer than to place the development of our plans for a greater national defense in the hands of a patriotic body of men who had for years—although occupied with the duties and cares of civil life, found time to voluntarily give hour upon hour and dollar upon dollar to the militia service of their States—and whenever the call came to give this same unstinted service to the Nation. And so it came to pass that the Congress enacted the act of January 21, 1903, better known to all of us as the Dick bill.

At the time the Dick bill was passed the strength of the Organized Militia—as it was to be called—totaled 9,120 officers and 107,422 enlisted men. In terms of units this strength was found to be divided up as follows: 1,662 companies—equivalent to 138 regiments—of Infantry. An enlightening example of an unbalanced force, is it not, especially when it is remembered that in our better balanced force of to-day there are authorized for the National Guard only 84 Infantry regiments; there were also 86 troops—equivalent to 7 regiments—of Cavalry; 34 companies of Coast Artillery; 76 batteries of Field Artillery; 17 Engineer organizations; 29 Signal Corps organizations, and 15 Hospital Corps organizations.

It is interesting to note how the 76 batteries of Field Artillery were found equipped. There were seventy-three 3.2-inch breech-loading rifles; three 6-inch breech-loading rifles; thirty-four 3-inch muzzle-loading rifles; forty-one 12-pounder Napoleons; seventy-five Gatlings (caliber .45); two Gatlings (caliber .30); one naval Gatling; nine Hotchkiss guns; one Hotchkiss revolving gun; one Colt automatic gun; two 3-inch naval howitzers, and two 6-pounder brass guns. Truly, this would have made a fine collection for the National Museum.

From this pot-pourri of units above mentioned it was intended to organize a force of five Army corps, each with three divisions of three brigades of three regiments of Infantry, together with a tactical complement of Cavalry, Artillery, and other arms. Well, in a more or less incomplete way this was accomplished. But, even so, for a period of approximately 13 years the organized militia pursued its way, in the majority of States, with but a small degree of that actual coordination with regard to its organization, equipment, and training, so much to be desired from a military standpoint. It was, however, a period of experimentation and evolution, during which—thanks to the provisions of the Dick bill—these somewhat disorganized State organizations were laying the foundation for that well-organized, efficient, and balanced force as to all arms that we see in the National Guard of to-day.

Early in 1916 the organized militia entered a new epoch in its history. This epoch was ushered in by the enactment of the national defense act of June 3, 1916, the country's first real effort toward providing an adequate plan for national preparedness. This new law was the culmination of a series of legislative enactments which followed the passage of the Dick bill of 1903.

By the provisions of this act, the Organized Militia became the National Guard—the National Guard of the United States and of the States; it also provided for greater Federal financial support; for greater recognition as a Federal force; for greater Federal control; for an increase in Regular Army instructors and sergeant instructors—all of which would permit of more uniform and efficient organization, instruction, and discipline, to the end that States might more nearly meet the standards established for the Regular Army.

This law, as passed, was given little chance to operate, for it was enacted at a time when the National Guard was about to be called, almost in its entirety, into the Federal service for duty on the Mexican border. Time will not permit me to take up in detail the activities of the guard while in Federal service during the border troubles. It must suffice to say that that call proved to be the guard's first dress rehearsal for the part it was later to play in that great drama—the World War. Scarcely had the National Guard been released from border service—and some units had not been released at all—when the World War came upon us, and back again into Federal service went the guard.

There were 17 divisions and various other National Guard units in the World War. The divisional organizations authorized for the guard, just prior to their draft but not completed,

was that of maneuver armies, as authorized then for the Regular Army—namely, three Infantry brigades of three regiments each, one Field Artillery brigade of three regiments, one regiment each of Cavalry and Engineers, and appropriate auxiliary troops.

The new conditions of strategy, tactics, and the service of supply developed on the western front made it necessary for the War Department to reorganize our Army similar to the organizations of our allies. This meant many consolidations and conversions into new units. Infantry and Cavalry were converted into Artillery and auxiliary units overnight. Instead of a million volunteers it caused a million nightmares overnight. It was remarkable that these troops functioned in their new arms as well as they did. These changes, coupled with the use of guard divisions for replacement purposes, brought many heartaches.

Of the 42 divisions which reached France before the armistice, 8 were so-called Regulars, 17 National Guard, and 17 National Army; 29 divisions took part in active operations, 7 Regular Army, 11 National Guard, and 11 National Army. The other divisions not in action furnished replacements to the Regulars as well as to their own components.

In July, 1918, there was a total of 10 divisions actively engaged. Of these, five were National Guard. In August there were 6 out of 11; in September, 9 out of 22; in October, 11 out of 24; and in November, 12 out of 33. Thus throughout the fighting the guard carried its full proportion of the burden and in the early months even more.

Out of a total advance against the enemy by the Americans of 782 kilometers, the guard divisions made 285 kilometers. Out of 63,079 prisoners captured by the Americans, they took 22,753. Out of a total of 46,739 Americans killed in action, the guard lost 18,238. Out of a total of 230,664 wounded, they had 97,294. Not only did the guard carry its share in combat, but in the staff and S. O. S. work and in the business conduct of the war at home and overseas. In addition to the above, thousands from guard replacement divisions were lost and credited with regular divisions.

The National Guard's record speaks for itself. All that it has ever cost to State and Nation has been many times over repaid in service. The World War, as in all of our wars, again demonstrated that the bulk of our fighters are citizen soldiers, that they are vitally necessary and are always dependable when properly trained. It also proved beyond any further doubt that any sane policy and plans for the national defense must consider and utilize that great potential force of citizen soldiery, its backbone being the National Guard and Reserves. It is evident that if this backbone is to bear the weight of the main body it must be nourished, strengthened, and kept fit.

No sooner had the National Guard been demobilized following the close of the World War than its reorganization was commenced. But in this connection greater plans were in the making, for the experiences of that war had taught us many things with regard to our national preparedness, or, rather let me say, our national unpreparedness.

Profiting by these experiences the Congress, in consultation with the best military minds of our country, evolved the amended national defense act of June 4, 1920. This act was indeed an epoch-making document, for it decreed for the first time in our history that our Army in time of peace should be organized into a well-balanced force of all arms. It provided for an organized peace establishment which should include the Regular Army, National Guard, and Organized Reserves; it provided that that peace establishment should "include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency"; it provided that that Army should at all times "be organized so far as practicable into brigades, divisions, and army corps," and whenever the President should "deem it expedient, into armies."

Another great step forward in the plan for a suitable national-defense policy was that clause in the act of June 4, 1920, which provided for the preservation in the Army of the United States of—

the names, numbers, and other designations, flags, and records of the divisions and subordinate units thereof that served in the World War.

To carry out the provisions of law just quoted the War Department has whenever and wherever practicable allotted to States as their quota in the Army of the United States the same units and designations which such States furnished for the World War. This was done in order that the history and honorable traditions of these units might be perpetuated so long as our country stands.

The national defense act of June 4, 1920, provided for 800 guardsmen for each Member of the Congress. This would give the National Guard 435,800 troops. We all know that the States and Nation do not desire the expense burden of this number at this time. The National Guard of the country, having this in mind and being desirous of helping to hold expenses down during our heavy debt period, voluntarily asked to have this 435,800 reduced to 250,000 for the time being, which is the minimum strength our guard authorities believe to be safe for defense purposes. If our 18 Infantry divisions, 4 Cavalry divisions, Coast Defense Corps, and Army troops had all units organized and filled to maintenance strength, it would require 250,000 troops.

A year ago the guard reached a strength close to 190,000 and, coupled with an increased attendance at armory drills, caused a fear that if the growth was not checked that a deficit in funds might possibly occur. The recognition of new units was therefore stopped, enlistments were curtailed, and the number of armory drills reduced. This caused a loss of 8,000 troops, whereas under favorable conditions the guard would easily have passed 200,000. This had a very depressing effect on the guard and State officials, particularly in States where their appropriations had provided for armory facilities and the State's share of meeting the War Department's allocation of guard troops that they were to organize and maintain. Some felt that faith had not been kept with them. Nearly every State was blocked with incomplete organizations. Some regiments lacked only a headquarters or service company or a medical detachment, or some other key unit necessary to their proper functioning and training.

The National Guard not in the Federal service is a distinct and separate force and the governors of the respective States are supreme commanders thereof. No Federal official can exercise any command over such a force. The States look to the Militia Bureau of the War Department for guidance and assistance in training their forces and for the military supplies necessary to equip them. Recent developments in the War Department, I am strongly inclined to believe, would justify a modification of section 81 of the national defense act in order to give the Chief of the Militia Bureau, under the immediate supervision of the Secretary of War, complete administrative control over the National Guard, when not in the Federal service, except those matters relating to policies pertaining to organization, distribution, and training. We must not lose sight of the fact that the National Guard, when not in the Federal service, is a citizen agency; it is composed of breadwinners, men who are the bone and sinew of the agricultural, economical, and commercial life of this Nation. They are not professional soldiers in any sense of the word. The records of the World War prove that they were qualified and did perform efficient service in all grades on an equal parity with officers of like grade of the Regular Army. Thousands of these same officers, veterans of the greatest fighting force of the world, are still commanding organizations and administering its affairs. They all believe in the "one-army plan," and at their last two National Guard conventions passed resolutions requesting Congress to again place the Militia Bureau under the immediate supervision of the Secretary of War and that the functions of the General Staff be restricted to the preparation of policies concerning organization, distribution, and training of National Guard units.

The records show that there are now in the Militia Bureau 28 Regular Army officers. Certainly these officers, being in daily contact with National Guard administration, many of whom have held commissions in the National Guard or have had long tours of duty with same as instructors, are fully if not the best qualified officers of the Regular Army to advise the Secretary of War, through the Chief, Militia Bureau, on all matters connected with the National Guard. The original act of 1916 did give the Chief of Militia Bureau direct access to the Secretary of War. It was believed by the National Guard that the act of 1920 did likewise; but recently it was stated on the floor of this House that the War Department General Staff and other agencies of the War Department are gradually encroaching upon the prerogatives of the Chief, Militia Bureau, and it is now strongly believed that unless the principles they desire are written into the law in no uncertain terms, the usefulness of the Militia Bureau to the National Guard will fail in the mission for which it was originally intended.

The guard's strength, including 11,533 officers, is about 188,431. The 18 Infantry divisions average 7,100 troops each. The entire 18 divisions, slightly over 116 units each, are and are nearly 82 per cent complete. The 18 Infantry divisions have a strength of 127,660. The four Cavalry divisions have a strength of 11,740. The remaining 42,600 are divided between

corps, army, coast defense, and special Infantry troops. The guard has a total of 2,958 units and is stationed in 1,408 different cities. Certainly the National Guard is a most potent patriotic and political factor in the life of our Nation.

Since it is the expressed intention of Congress and the policy of the War Department to use the National Guard along with the small Regular Army as first-line troops, they must be properly prepared in order to do justice to the country and to themselves. The Infantry divisions by all means should have all of their units organized, so that in the event of an emergency by a quick and orderly expansion to war strength they can promptly take their positions; and even with this it must be remembered that two-thirds of the men and one-third of the officers will be new. It is, then, all the more vital that they now organize all units and have a few trained leaders with as much training and equipment as it is possible to secure.

The National Guard is directed not to exceed 183,519 nor to hold more than 48 armory drills during the fiscal year. The minimum authorized by law is 48 and the maximum is 60. The field training is also reduced below that held prior to the war. Formerly they were permitted to hold schools of instruction prior to the field training camps; also to hold State rifle competitions. This past year they held only the 15-day camps and participated in the national matches. Neither will there be any schools of instruction prior to the field training camps or State rifle competitions.

The National Guard appropriation for this year is \$31,466,206. Practically one-third of this is for the field training of around 157,000 troops at camps, and includes pay, transportation, subsistence, construction, hospitalization, hire and forage of animals, and many miscellaneous expenses necessary for camps. About one-third of the total is required for armory drill-instruction pay. The Guard is required to hold not less than 48 armory drills, and is authorized to hold not to exceed 8 in one month or 60 in one year, each of not less than 1½ hours' duration. They receive no pay for longer hours or a greater number of drills.

The remaining one-third of this appropriation is divided between forage for 10,300 horses for mounted troops—they average about 20 horses per unit, and the law authorizes 32—for pay of caretakers for the horses, motorized units, Air Service, and so forth; for sending guard officers to service schools; for general expenses; for travel Regular Army personnel on duty with the guard; for transportation of equipment to the States; for expenses of sergeant instructors, except their pay; for a small pay for United States property and disbursing officers; and for purchasing supplies and equipment to prepare for field service.

Guard troops were used in 15 States during the past year to render aid in disaster and to assist civil authorities. Reports indicate that the conduct of these troops while so engaged was highly commendable.

The guard is a known and dependable factor in the national defense. Its value far exceeds its cost, and the Government is getting a high-grade military asset for a minimum cost. Any reduction in funds and equipment necessary to its proper training reduces its efficiency and value. The guard sorely needs an increase in funds to maintain its present strength, as the exhaustion of free-issue left-over war stocks requires that they be purchased in the future. In order to be ready as first-line troops the guard needs the maximum training authorized.

You have heard the history of the unorganized and untrained militia, of its gradual development under beneficial laws, of the National Guard's fine record in the World War, and of our present national defense laws, giving the guard a just recognition and a chance to become a real national asset.

Our past history shows that our dependence is placed on the citizen soldiery. Our laws give the guard the first call from the citizenship; it should therefore have priority in readiness. It is no longer a question as to whether or not the National Guard is dependable; it has proven that it is! The question now seems to be, How large and how well trained and equipped shall it be? Since we are considering what is best for our Air Service policy and its development, it is highly important that we give serious thought to a definite policy with coordinate plans for all of our military services. It seems that all of our Government agencies are not in complete accord as to just of what our Military Establishment should consist. If the Regular Army, National Guard, and reserves knew what their approximate strengths and appropriations were to be for a definite period of four years or so, they could have a more efficient and economical service than seems possible in a state of uncertainty. What we need is

stabilization and balanced organizations with definite knowledge of our future allowances and limitations. With our strengths and amounts of funds to be available known for a period of years will permit us to consolidate, convert, or make such readjustments as will give us balanced forces and permit us to get the best possible results.

You will find no "Reds" in the National Guard. The National Guard builds, produces, pays taxes, votes, and performs the full duties of citizenship, and in addition devotes much time to military training in order to better serve the State or Nation in time of peace or war. Are there any higher types of young Americans?

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks on the conference report on Senate bill S. 1129.

The SPEAKER. The gentleman from Maryland makes the same request. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, this morning the House agreed to the conference report on S. 1129, which the House had passed, upon my motion to suspend the rules, on Monday, March 1.

Undoubtedly in a few days the Senate will also agree to the conference report and the President will sign the Wadsworth-Hill bill, which creates the military posts construction fund, and under which there will ultimately be available about \$28,000,000 for permanent development of Army posts along the lines of the national defense act, the nine-corps-area plan, and in accordance with the recommendations of every Chief of Staff of the Army for the last 40 years. The passage of this bill marks the initial step to a proper national-defense policy for the Army units of this Nation.

In 1916, in discussing our defense policy and the location of military posts, I said:

For the amount of money expended and for the proper protection of the United States our present military establishment is extremely inadequate. In his last report as Secretary of War, Mr. Stimson called attention to "the diffusion of the Army and the lack of tactical organization, which results in our having what is virtually a number of scattered groups of constabulary rather than an integral organization, and which prevents the proper training and teamwork of the national Army." The General Staff of the Army on August 12, 1912, made a report on "The Organization of the Land Forces of the United States." This document contained the broad outlines of a comprehensive military policy. Some of the reforms proposed can be carried out by executive action, but the greater part of these reforms must be provided by Congress. Treatment of the Army itself in time of peace has varied under every administration, and almost uniformly Congress has opposed the recommendations of the Executive for reforms of the Army. The existence of isolated and small frontier posts and garrisons throughout the United States has repeatedly been the subject of criticism by the Executive, but so far Congressmen have been very loath to consent to the removal of any body of troops from cities in their districts which profit by the presence of such troops.

I am delighted to congratulate the present Congress on having departed from the tradition of many past Congresses, and by the passage of this bill not only to have consented to the removal of many bodies of troops from various cities in their districts, but for having laid the foundations for a definite coordination of Army posts under the national defense act.

On December 11, 1924, began the joint hearings of the Committee on Military Affairs of the Senate and the House of Representatives on Senate bill 3575 and House bill 10529, introduced in the Sixty-eighth Congress by Senator WADSWORTH and myself. These bills, reintroduced in this Congress as S. 1129 and H. R. 47, will become law in a few days.

At the first hearing Secretary of War Weeks said—to remedy these conditions—

Army posts construction previously enumerated by the Secretary—

the present Congress passed the following act:

" * * * The Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes."

The Secretary of War then continued:

In compliance with the above act, a careful and thorough study of the requirements for the future as to the distribution and housing of the Army has been made. We are guided in our military policies by

the national defense act of 1916, as amended. There are certain missions assigned the Regular Army which must be fulfilled.

These missions, stated briefly, are as follows:

- (1) To furnish nine divisions for one field Army for battle service.
- (2) To provide adequate and efficient personnel for giving the utmost assistance in the training and development of the National Guard, Organized Reserves, Reserve Officers' Training Corps, and citizens' military training camps.
- (3) To provide the necessary personnel for the overhead of the Army of the United States, wherein the duties are of a continuing nature.
- (4) To provide an adequate organized, balanced, and effective domestic force which shall be available for emergencies within the continental limits of the United States or elsewhere, and which will serve as a model for the organization, discipline, and training of the National Guard and the Organized Reserves.
- (5) To provide adequate peace garrisons for the coast defenses within the continental limits of the United States.
- (6) To provide adequate garrisons in peace and war for our overseas possessions.

The objective of the War Department is constantly before it in the language of sections 2 and 3 of the national defense act, as amended, wherein is provided the composition of the Regular Army, with the further statement that "The organized peace establishment, including the Regular Army, the National Guard, and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form a basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress. * * *

During these hearings Mr. Weeks said:

Senator BURSUM. And this is to be substituted for such property as may be of use for military purposes?

Secretary WEEKS. Yes.

Senator BURSUM. That seems to be a matter of common sense.

Mr. HILL of Maryland. And \$19,000,000 would result, would it not, from the sale of these items?

Secretary WEEKS. If we could sell the properties at what it is estimated to be their sale value, and if local communities did not come in here and ask to have those properties turned over to them without any compensation.

Senator BURSUM. But whatever building program there is comes to Congress for its approval?

Secretary WEEKS. Exactly. We would have to specifically say what we wanted the money for, of course.

There were also certain properties authorized to be sold, which by section 3 of the bill would ultimately put at least a total of \$28,000,000 into the military-posts construction fund. Questions were raised as to nearly every one of the military properties owned by the United States. Concerning the disposition of properties, the following questions were asked the Secretary of War and answered by him:

Mr. McSWAIN. Right in that connection, is it your experience in actual dealings, and also by correspondence with any of the States and municipalities, that any considerable number will take over these properties at the appraised price?

Secretary WEEKS. Not generally speaking. I think we did sell one or two small pieces of property to the State of Maine, but it was of inconsequential value—one or two little islands and a piece of property near the New Hampshire line on the Piscataqua River, but I do not recall where any other State has made any move to purchase any of these properties. They usually want them given to them, if they want them at all.

Mr. McSWAIN. For instance, you recall that Congress a few years ago gratuitously donated Fort McHenry to the city of Baltimore, and now the city of Baltimore is begging Congress to take it back; you remember that?

Secretary WEEKS. Yes.

Mr. HILL of Maryland. We are not really begging Congress to take it back; that is not the construction to be placed on that.

Mr. GARRETT. You are asking Congress to dress up the child that they gave you?

Mr. HILL of Maryland. Yes; in proper clothes.

I might here inject that Congress did "dress up" Fort McHenry "in proper clothes," and the Star-Spangled Banner waves there daily with its patriotic message.

During these hearings the whole question of the land defense of the Nation for the next 15 years came up in the following discussion:

Mr. HILL of Maryland. There is a question I would like to ask right there. We are considering, or beginning the consideration, of the whole broad question of distribution of permanent posts. Now, we have been having hearings on the unified Air Service and that sort of thing. It occurred to me yesterday that it would be interesting to know what real

estate was possessed by the Navy, because in a great many cases there is useless real estate that would be available for Army purposes.

Of course that is really outside the scope of our work at present, but we are considering the whole defense problem, and there is undoubtedly a good deal of real estate or other property in the hands of the Navy which, while perhaps of no use to them, would be valuable to the Army, and there is no reason why the department that has been Santa Claus to the Nation should not get some of those properties back if they need them. I think it would be very interesting if we could have a map showing the location of all real estate now owned by the War Department and also the property owned by the Navy Department. It seems to me almost absurd, when we are considering coordination of national defense, as we are in this question of the Air Service, to have Army posts and Navy posts flung around without any coordination at all.

Chairman WADSWORTH. The committee may decide later on to have some witnesses from the Navy Department.

Mr. HILL of Maryland. It seems to me that would be an interesting thing to consider, because we are laying out really the whole policy of land defense for the Nation for the next 15 years, and it ought to be for more than that.

Senator FLETCHER. This plan that has been worked out I presume does not involve purchasing any extensive area by the Army.

Major BRANT. No; we are giving up quite a number of properties.

Senator FLETCHER. And the new locations won't make it necessary for you to buy any more land?

Major BRANT. No, sir.

Senator FLETCHER. You are probably utilizing reservations you already have.

The national defense act, for the first time, provided a proper plan of land defense. The bill, the conference report on which we agreed to to-day, is the basis of carrying out the proposed plan. The following is of interest from the hearings in the Sixty-eighth Congress:

Senator FLETCHER. Well, is that satisfactory?

Colonel KNOX. It is not as far as the combat arms are concerned, for this reason: The reservations are quite small and they are largely covered with buildings and fortifications. There is very little extra space for troops of the line to drill. There are no facilities for target practice with the rifle and with the machine gun. Also in some cases, particularly the First Corps Area, the animals for the trains of Infantry organizations and the animals for machine-gun carts have to be cared for at Camp Devens. These posts are largely on islands, which makes it necessary to use water transportation for both personnel and supplies, so they are generally unsatisfactory for mobile troops of the Regular Army. As a means of shelter, which is all they are getting at the present time, they will shelter the troops, but invariably in summer troops go for training purposes to Camp Devens.

That is just one corps area, and the other corps areas along the Atlantic seaboard are in a similar situation.

Mr. HILL of Maryland. In that corps area you would concentrate everything at Camp Devens, if you could?

Colonel KNOX. Yes, sir.

Mr. HILL of Maryland. And that is your theory of national defense?

Colonel KNOX. Yes, sir. They have to go there anyhow. That is, what we want. Of course, the Coast Artillery posts that we would thus vacate have valuable equipment, the care of which is necessary, and the Coast Artillery would care for this and would retain these posts, or a large majority of them.

Mr. HILL of Maryland. And the same in the third area; you have your Artillery brigade at Fort Howard, have you not?

Colonel KNOX. We have an Artillery brigade there less one regiment.

Mr. HILL of Maryland. Is not that Infantry headquarters?

Colonel KNOX. Yes, sir; the Twelfth Infantry, less one battalion.

Mr. HILL of Maryland. It ought to be at Camp Meade, ought it not?

Colonel KNOX. Yes, sir.

The existing conditions at corps area training areas and mobilization points were shown as follows in the hearings before the joint subcommittees in the Sixty-eighth Congress:

Chairman WADSWORTH. Are there any questions the members of the committee desire to ask the major?

I see these photographs display typical quarters.

Major PRENTISS. Yes, sir.

Chairman WADSWORTH. I have seen a good many of them myself.

Mr. HILL of Maryland. Yes; for instance, at Camp Meade there is a large number of barracks which are the type of one of these at Fort Bragg.

Major PRENTISS. Yes, sir.

Mr. HILL of Maryland. A number of them have been condemned; you can not put troops in them.

Major PRENTISS. That is the fact.

Mr. HILL of Maryland. And, as a matter of fact, a majority of them are in that condition.

Major PRENTISS. An increasing number each year have to be abandoned. Last year one of those buildings collapsed with some Reserve Officers' Training Corps students in them, and it was a miracle that they were not injured.

Mr. HILL of Maryland. There is an enormous danger from fire?

Major PRENTISS. Yes; there is.

Mr. HILL of Maryland. At those places?

Major PRENTISS. At Camp Meade one of the buildings half burned down, and they put up a tar-paper partition so as to fix up the other end, and they are still living in that end of the building.

Mr. HILL of Maryland. That night the whole camp nearly burned down.

The second step in the plan of proper coordination of land defense appears in a bill which I have just placed in the basket on behalf of the chairman of the Military Affairs Committee of the House.

A bill authorizing appropriations for construction at military posts, and for other purposes

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed \$6,820,000 from the net proceeds derived from the sales of surplus War Department real property, including the sale of surplus buildings, deposited in the Treasury, as authorized by the act approved March 12, 1926 (Public, No. 45, 69th Cong.), said sum to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows:

Schofield Barracks, Hawaii, continuing of hospital construction, \$450,000; Fort Benning, Ga., continuing of barracks construction, \$725,000; Fort Monmouth, N. J., barracks for enlisted personnel, \$555,000; Fort Monmouth, N. J., hospital, \$100,000; Camp Lewis, Wash., beginning construction of post hospital, \$125,000; Camp Lewis, Wash., barracks, \$800,000; Fort Sam Houston, Tex., barracks, \$500,000; Selfridge Field, Mich., barracks, \$570,000; Selfridge Field, Mich., non-commissioned officers' quarters, \$180,000; Camp Meade, Md., barracks, \$410,000; Fort Bragg, N. C., barracks, \$360,000; Fort Humphreys, Va., barracks, \$500,000; Camp Devens, Mass., barracks, \$500,000; Erie Proving Ground, Ohio, barracks, \$47,000; Edgewood Arsenal, Md., officers' quarters, \$90,000; United States Disciplinary Barracks, Fort Leavenworth, Kans., hospital, \$125,000; Mitchel Field, N. Y., barracks, \$287,000; France Field, Panama, officers' quarters and noncommissioned officers' quarters, \$139,000; Schofield Barracks, Hawaii, non-commissioned officers' quarters, \$72,000; Fort Wadsworth, N. Y., barracks, \$285,000: *Provided*, That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for expenditure on any of the projects herein authorized: *Provided further*, That the limitations imposed by sections 1136 and 3734, Revised Statutes, shall not apply to the above authorized expenditures.

The following from the hearings on the Wadsworth-Hill bill are of interest in reference to the location of corps area mobilization and concentration points:

Mr. HILL of Maryland. Mr. Chairman, has it appeared in the record what camps in the nine corps areas are considered as ultimate corps area training camps? Has that been put in the record? For instance, I take it that Camp Devens is intended to be the central mobilization and concentration point in the First Corps Area; is that right?

Major PRENTISS. Yes; I think Colonel Knox can give you that.

Colonel KNOX. I think the corps area headquarters will remain in Boston.

Mr. HILL of Maryland. I mean the mobilization and instruction headquarters.

Colonel KNOX. Yes.

Mr. HILL of Maryland. That is Camp Devens?

Colonel KNOX. Yes.

Mr. HILL of Maryland. And the second?

Colonel KNOX. Camp Dix.

Mr. HILL of Maryland. And the third?

Colonel KNOX. Camp Meade.

Mr. HILL of Maryland. And the fourth?

Colonel KNOX. Camp McClellan.

Mr. HILL of Maryland. And the fifth?

Colonel KNOX. Camp Knox.

Mr. HILL of Maryland. And the sixth?

Colonel KNOX. Camp Custer.

Mr. HILL of Maryland. And the seventh?

Colonel KNOX. We have several in the seventh; I don't recall just now.

Mr. HILL of Maryland. Well, that can be put in.

Colonel KNOX. I think it is Fort Riley.

Mr. HILL of Maryland. And the eighth, I suppose, is San Antonio?

Colonel KNOX. Yes.

Mr. HILL of Maryland. And the ninth?

Colonel KNOX. Camp Lewis.

Chairman WADSWORTH. You own the land necessary, do you not?

Colonel KNOX. Yes; with the exception of a small portion at Camp Devens.

Senator FLETCHER. Of what are the permanent establishments composed in the fourth area? Of course, at Camp McClellan, Ala., you need a number of permanent buildings.

Major PRENTISS. Yes; that is the training center for that corps area.

Senator FLETCHER. And where else?

Major PRENTISS. The permanent buildings will be covered by Captain Hobson.

Chairman WADSWORTH. Do you want to ask any more questions concerning the condition of buildings occupied for the distribution of troops? We have heard Colonel Knox and Major Prentiss on those phases.

Mr. HILL of Maryland. Is it not a fact that practically all of these central mobilization and instruction points, and the points you have mentioned, are temporary construction for the war, and are in practically the same condition as the buildings you have shown at Camp Bragg?

Major PRENTISS. Yes.

Mr. HILL of Maryland. In other words, these nine points in the nine corps areas are made necessary by the new policy of defense in the nine corps areas?

Major PRENTISS. Yes, sir.

Mr. HILL of Maryland. And practically new construction should be made in all of them?

Mr. PRENTISS. Yes, sir.

Mr. HILL of Maryland. You have, however, drainage and sewerage and plenty of land?

Major PRENTISS. Yes. The underground utilities in general are in good shape with the exception of certain water mains, where they used wood-stave pipes. The sewers and so on are in good shape, so it would be much more costly to build on new sites than the old sites.

Mr. HILL of Maryland. Could you give us an estimate of the cost in the way of roads and land at these nine points now?

Major PRENTISS. It runs up into a great many million dollars. Yes; I could give you that for the record.

Mr. HILL of Maryland. I think that would be interesting to show what the Army proposes to build on at these permanent stations.

Major PRENTISS. That will be inserted in the record.

Value of utilities now existing at corps area training camps

Corps area	Camp	Roads	Rail-roads	Water systems	Sewer systems	Incinerators
First.....	Devens.....	\$125,000	\$220,000	\$460,000	\$250,000	\$5,000
Second.....	Dix.....	190,000	325,000	235,000	265,000	10,000
Third.....	Meade.....	570,000	165,000	270,000	325,000	10,000
Fourth.....	McClellan.....	120,000	150,000	255,000	275,000	.....
Fifth.....	Knox.....	325,000	380,000	240,000	235,000	.....
Sixth.....	Custer.....	221,000	280,000	192,000	163,000	15,000
Seventh.....	Riley.....	545,000	.....	255,000	180,000	.....
Eighth.....	Travis.....	670,000	580,000	205,000	210,000	10,000
Ninth.....	Lewis.....	325,000	315,000	178,000	190,000	15,000
Total.....		3,091,000	2,415,000	2,290,000	2,093,000	65,000

Corps area	Camp	Electric systems	Heating systems	Refrigerating systems	Total
First.....	Devens.....	\$227,000	\$187,000	\$11,000	\$1,485,000
Second.....	Dix.....	154,000	187,000	11,000	1,377,000
Third.....	Meade.....	156,000	41,000	11,000	1,548,000
Fourth.....	McClellan.....	51,000	.....	26,000	877,000
Fifth.....	Knox.....	139,000	30,000	8,000	1,357,000
Sixth.....	Custer.....	108,000	210,000	11,000	1,209,000
Seventh.....	Riley.....	72,000	66,000	.....	1,118,000
Eighth.....	Travis.....	67,000	40,000	5,000	1,787,000
Ninth.....	Lewis.....	116,000	20,000	15,000	1,174,000
Total.....		1,090,000	781,000	98,000	11,923,000

Hearings were also held by the House Military Affairs Committee of the present Congress on this bill, and the following is part of the report which I filed on behalf of the committee on January 7, 1926:

Mr. HILL of Maryland, from the Committee on Military Affairs, submitted the following report (to accompany S. 1129):

The Committee on Military Affairs, to whom was referred the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property and authorizing the sale of certain military reservations, and for other purposes, having considered the same, report thereon with the recommendation that it do pass with the following amendments:

Page 7, line 3, strike out all of section 5.

Page 8, line 13, change the colon to a period, and strike out all thereafter down to and including line 18.

Page 8, line 22, change the period to a colon and add the following: "Provided, That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said properties in excess of \$100 a day."

S. 1129 is the form in which the Senate has just passed S. 3573 and H. R. 10529 of the Sixty-eighth Congress, reintroduced in the Sixty-ninth Congress as S. 1129, H. R. 47, and H. R. 4805.

There are only three amendments recommended to the bill as it finally passed the Senate. The first amendment strikes out section 5. It is recommended because the War Department in recent years has turned over to other departments of the Government a total of approximately \$76,000,000 of property, and it is the opinion of the committee that the profits which may accrue from the sale of the property listed in S. 1129 should revert to the War Department for its use in the development of its housing program, which program, however, is subject to approval and appropriation by Congress.

The second amendment to S. 1129, herein recommended, strikes out the provision that if the property has been advertised and offered for sale on not less than two separate occasions and no bid equaling or exceeding the amount of appraised value has been received, the Secretary of War, in his discretion, is authorized to accept the highest and best bid received. With this provision struck out no property can be sold for less than the appraised value.

The third amendment recommended to S. 1129 adds to section 8 a provision that no auctioneer or person acting in said capacity shall be paid a fee for the sale of said property in excess of \$100 a day. This amendment is similar to one fully discussed and adopted by the Sixty-eighth Congress on a similar bill.

With these three amendments, it is recommended that S. 1129 pass as it was passed by the Senate.

Congress itself is responsible for this bill, which is in the interest of economy and efficiency in the national defense. The 1925 War Department appropriation act states:

"The Secretary of War is hereby authorized and directed to submit to the Congress at its next session a comprehensive plan for necessary permanent construction at military posts, including Camp Lewis, in the State of Washington, based on using funds received from the sale of surplus War Department real estate, and for the sale of such property now owned by the War Department as, in the opinion of the Secretary of War, is no longer needed for military purposes."

A complete and thorough study of the matter was made by the War Department, and full hearings were held both in the House and Senate Military Committees. The Secretary of War, at the hearings most recently held, i. e., Thursday, January 7, 1925, before the House Committee on Military Affairs, stated that repairs on existing War Department properties, as well as the housing program of the department, were dependent upon the prompt passage of this legislation.

Herewith are made a part of this report:

1. The report of the Committee on Military Affairs of the Senate, without the appendix.

2. The report of the chairman of the Committee on Military Affairs of the House, the late Hon. Julius Kahn, transmitting the report of the real estate subcommittee of that committee on the real estate holdings of the War Department, composed of Hon. John C. McKenzie, Hon. Frank Green, and Hon. William C. Fields.

3. Letter to the Speaker of the House of Representatives from the Secretary of War, dated December 10, 1925, in reference to this proposed legislation, giving complete information concerning the proposed properties to be disposed of.

The bill was subsequently recalled to the committee, and again reported with certain amendments contained in it as it finally passed, such amendments being necessary to cover various situations which had developed in reference to the bill.

I have gone rather fully into these hearings, because the bill, the conference report upon which we have agreed to to-day, will be the basis of legislation for many years to come. It is important that the underlying theories of national defense which caused the passage of this bill be thoroughly understood. It is of interest to know what the Army and Navy Journal said of this bill editorially on March 6, 1926:

Well, the Army housing bill at last has been enacted. Now the War Department can get busy disposing of the land and other real property which has been listed as surplus and prepare for the construction of permanent and sanitary buildings for sheltering the troops. The debate on the measure which took place in the House pursued the usual zigzag course.

Moreover, Congressman JOHN PHILIP HILL, of Maryland, who was in charge of the bill—it is, in fact his particular "baby"—handled the debate in masterly style, calling on informed colleagues to answer the arguments advanced against action, and closing, through Congressman TILSON, of Connecticut, with the declaration that "We must provide proper housing for the Army." The House received this assertion of an important principle with applause and further demonstrated its attitude by declining to grant the yeas and nays.

So, within a few years the Army will be properly housed, and the real danger of sickness and fire will be eliminated.

This bill will be the basis for the whole development of the Army posts in our nine corps-area system. I think this Congress is to be congratulated in the willingness of certain Mem-

bers to give up posts and properties in their districts for the common good, and I feel that this bill will be the foundation of a proper building program for the Army, in accordance with the national defense act.

FUNDS PERTAINING TO OIL LANDS

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a telegram from the president of the University of New Mexico as to the apportionment of the bonds pertaining to oil lands in a bill now pending in the Senate.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to extend his remarks by publishing a telegram from the president of the University of New Mexico in regard to certain matters. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, under leave to extend my remarks I insert a telegram from the president of the University of New Mexico as to the apportionment of funds pertaining to oil lands in a bill now pending in the Senate.

The telegram is as follows:

ALBUQUERQUE, N. MEX., March 7, 1926.

Hon. JOHN MORROW,

House of Representatives, Washington, D. C.:

I respectfully request that this message be read aloud in full and be printed as a part of the official record at hearing Monday of Senate bill 46, relating to proposed constitutional amendment in New Mexico and, in fact, affecting income from oil found recently and mainly on lands of State University of New Mexico. As citizen, taxpayer, and as president of University of New Mexico, I earnestly protest recommendation or passage of this Resolution 46, and on these five grounds: First. The measure proposes a bad national precedent. Second. It would cause diversion in part of educational funds to non-educational purposes, such as river improvement, hospital, penitentiary. Third. Education in common schools is vitally dependent upon quality of higher institutions, and this act affects unfavorably all public colleges of this State. Fourth. Coupled with action of New Mexico State land office, the amendment would cause loss of 97 per cent of interest of money derived from oil lands given to the State by Congress for the exclusive use of the University. Finally, I submit that this measure in its actual results is not well understood by the people of New Mexico or of the Nation. It has not been voted upon by the electorate of this State. I believe it should not pass without searching investigation and study.

DAVID S. HILL,

President State University of New Mexico.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7019. An act to provide four condemned 12-pounder bronze guns for the Grant Memorial Bridge at Point Pleasant, Ohio.

SENATE BILL REFERRED

Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 613. An act for the relief of Archibald L. Macnair; to the Committee on Claims.

ADJOURNMENT

Mr. ZIHLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 9, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 9, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

Agriculture relief legislation.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

For the relief of Sheindel, Morris, Zechari and Frieda Clateman (H. R. 9261).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, dam,

excavation, dredging, drainage, or other construction project (H. R. 8902).

COMMITTEE ON MILITARY AFFAIRS.

(10.30 a. m.)

Department of national defense: Air Service.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Private bills.

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

Authorizing the Postmaster General to remit or change deductions or fines imposed upon contractors for mail service (H. R. 9511).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To repeal and annul certain acts of the Public Utilities Commission of the District of Columbia (H. R. 3805).

To provide for the purchase or condemnation of property in the Reno subdivision and adjacent thereto, for the purpose of improvement of street plan (H. R. 5015).

To provide for the acquisition of property in Prince William County, Va., to be used by the District of Columbia for the reduction of garbage (H. R. 7286).

EXECUTIVE COMMUNICATIONS, ETC.

386. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting proposed legislation affecting the use by the National Sesquicentennial Exhibition Commission of an existing appropriation (H. Doc. No. 264) was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOCH: Committee on Interstate and Foreign Commerce. H. R. 3858. A bill to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes; without amendment (Rept. No. 483). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JAMES: Committee on Military Affairs. H. R. 4119. A bill for the relief of Edward R. Ledwell; with amendment (Rept. No. 484). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KELLER: A bill (H. R. 10121) extending the time for the completion of the bridge across the Mississippi River in Ramsey County, Minn., by the city of St. Paul; to the Committee on Interstate and Foreign Commerce.

By Mr. MONTGOMERY: A bill (H. R. 10122) providing for remodeling, repairing, and improving the Pawnee Indian school plant, Pawnee, Okla., and providing an appropriation therefor; to the Committee on Indian Affairs.

By Mr. EDWARDS: A bill (H. R. 10123) to prohibit public dancing, theaters, and other secular and commercialized sports and amusements on Sunday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GARDNER of Indiana: A bill (H. R. 10124) to amend section 4 of the act of May 1, 1920, to revise and equalize rates of pensions to certain soldiers, sailors, and marines of the Civil War and the war with Mexico, to certain widows, including widows of the War of 1812, former widows, dependent parents, and children of such soldiers, sailors, and marines and to certain Army nurses and granting pensions and increase of pension in certain cases; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10125) to provide for the coordination of the public health activities of the Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT (by departmental request): A bill (H. R. 10126) to revise the boundary of the Mount Rainier National Park, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. NEWTON of Minnesota: A bill (H. R. 10127) to provide for the transfer of certain records of the general land office to State historical agencies; to the Committee on the Public Lands.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10128) to change the title of Deputy Assistant Treasurer of the United States to Assistant Treasurer of the United States; to the Committee on Banking and Currency.

By Mr. KETCHAM: A bill (H. R. 10129) to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture and for other purposes; to the Committee on Agriculture.

By Mr. PURNELL: A bill (H. R. 10130) authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club, of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now, or may be, in his custody; to the Committee on Naval Affairs.

By Mr. BLAND: A bill (H. R. 10131) granting the consent of Congress to the Wakefield National Memorial Association to build upon Government-owned land at Wakefield, Westmoreland County, Va., a replica of the house in which George Washington was born, and for other purposes; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 10132) to authorize the assignment of railway postal clerks and substitute railway postal clerks to temporary employment as substitute sea post clerks; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 191) authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore, Md., a building for its Baltimore branch; to the Committee on Banking and Currency.

By Mr. SUMMERS of Washington: Joint resolution (H. J. Res. 192) for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture; to the Committee on Agriculture.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. BOYLAN: Memorial of the Legislature of the State of New York relative to the Erie Canal, Barge Canal, and St. Lawrence waterway; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 10133) granting an increase of pension to Rebecca Garrett; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 10134) granting a pension to Laurence Bendixen; to the Committee on Pensions.

By Mr. BURDICK: A bill (H. R. 10135) granting an increase of pension to Phebe E. Pray; to the Committee on Invalid Pensions.

By Mr. CAREW: A bill (H. R. 10136) granting an increase of pension to Julia McElroy; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 10137) for the relief of R. M. Hilderbrand; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 10138) granting an increase of pension to Margaret Driscoll; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 10139) granting an increase of pension to Mary A. Furgeson; to the Committee on Invalid Pensions.

By Mr. GORMAN: A bill (H. R. 10140) granting a pension to Ella B. Scott; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 10141) granting an increase of pension to Sarah E. Virtue; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 10142) granting an increase of pension to Margaret J. Miller; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 10143) granting an increase of pension to Bessie E. Campbell; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10144) granting a pension to William B. Melvin; to the Committee on Pensions.

By Mr. McDUFFIE: A bill (H. R. 10145) granting an increase of pension to Maria A. Mayers; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 10146) granting an increase of pension to Rebecca Poff; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 10147) for the relief of the estate of Charles Le Roy, deceased; to the Committee on Claims.

Also, a bill (H. R. 10148) granting a pension to James White; to the Committee on Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 10149) granting an increase of pension to Sally Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10150) granting an increase of pension to Emily Robinson; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 10151) granting an increase of pension to William McKeown; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10152) granting an increase of pension to Louise T. Thomson; to the Committee on Invalid Pensions.

By Mr. REID of Illinois: A bill (H. R. 10153) granting a pension to Bertha A. Pyne; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 10154) granting a pension to Ellen Wyncoop; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 10155) granting an increase of pension to Anna Brown; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10156) granting a pension to Mary M. Sturgeon; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 10157) for the relief of Mary E. Whitney; to the Committee on Claims.

Also, a bill (H. R. 10158) granting an increase of pension to James McBirney; to the Committee on Pensions.

Also, a bill (H. R. 10159) to authorize the Comptroller General of the United States to relieve James W. Boyer, jr., former special disbursing agent, Department of Commerce, in the settlement of his account; to the Committee on Claims.

By Mr. UNDERHILL: A bill (H. R. 10160) for the relief of John Rooks; to the Committee on Claims.

Also, a bill (H. R. 10161) for the relief of the owners of the barge *McIlwaine No. 1*; to the Committee on Claims.

By Mr. WARREN: A bill (H. R. 10162) to provide for an examination and survey of Douglas Bay, Hyde County, N. C., a tributary of Pamlico Sound; to the Committee on Rivers and Harbors.

By Mr. WATSON: A bill (H. R. 10163) granting a pension to Sarah Millicent McDonald; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1084. By Mr. BOYLAN: Petition signed by citizens of Brooklyn, N. Y., entering their protest against compulsory Sunday observance; to the Committee on the District of Columbia.

1085. By Mr. CRAMTON: Petition of D. E. Knickerbocker and 34 other residents of Memphis, Mich., protesting against the compulsory Sunday observance bills; to the Committee on the District of Columbia.

1086. By Mr. DICKINSON of Missouri: Petition of Joe Doak et al., of Kingsville, Mo., against the passage of House bills 7179 and 7822, for compulsory Sunday observance for the District of Columbia; to the Committee on the District of Columbia.

1087. By Mr. DOUGHTON: Two petitions against compulsory Sunday observance, both from Watauga County, N. C.; to the Committee on the District of Columbia.

1088. By Mr. FOSS: Petition of sundry citizens of Massachusetts, opposing House bills 7179 and 7822, compulsory Sunday observance; to the Committee on the District of Columbia.

1089. By Mr. GALLIVAN: Petition of Miss Bessie Elwell, 522 West Park Street, Dorchester, Mass., and 112 others, protesting against House bills 7179 and 7822, providing for compulsory Sunday observance; to the Committee on the District of Columbia.

1090. By Mr. KELLER: Petitions of sundry citizens of St. Paul, Minn., protesting against the enactment of Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

1091. By Mr. KINDRED: Petition of residents of Brooklyn, N. Y., in opposition to the bills (H. R. 7179 and 7822) for compulsory Sunday observance, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

1092. By Mr. LEATHERWOOD: Petition of 4,766 persons protesting against the provisions of House bill 11, relating to the protection of trade-mark owners, distributors, and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguishing trade-mark, name, or brand; to the Committee on Interstate and Foreign Commerce.

1093. By Mr. LEAVITT: Resolutions of Women's Clubs of Belfry and Miles City, Mont., favoring continuance of the provisions of the Sheppard-Towner maternity act; to the Committee on Interstate and Foreign Commerce.

1094. By Mr. O'CONNELL of New York: Petition of the Pacific Coast Borax Co., of New York City, opposing the passage of House bill 4475, the Kendall bill; to the Committee on the Post Office and Post Roads.

1095. Also, petition of the Chamber of Commerce of the State of New York, opposing the Gooding bill (S. 575) on long and short haul rates; to the Committee on Interstate and Foreign Commerce.

1096. Also, petition of the National Society, Sons of the American Revolution, favoring the passage of House bill 9644, for a memorial to George Rogers Clark; to the Committee on the Library.

1097. By Mr. SEGER: Petition of Mr. B. E. Miller and other citizens, of Paterson, N. J., and vicinity, protesting against the passage of House bills 7179 and 7822; to the Committee on the District of Columbia.

1098. By Mr. SHALLENBERGER: Petition of sundry citizens of Hastings, Nebr., opposing the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

1099. Also, petition of sundry citizens of Adams County, Nebr., opposing compulsory Sunday observance bills; to the Committee on the District of Columbia.

1100. By Mr. STRONG of Pennsylvania: Petition of citizens of Big Run, Pa., and vicinity, in favor of Federal regulation of motion pictures; to the Committee on the Judiciary.

1101. Also, petition of citizens of Corsica, Pa., and vicinity, in favor of Federal regulation of motion pictures; to the Committee on the Judiciary.

1102. By Mr. THOMPSON: Petition of citizens of fifth district of Ohio, protesting against the passage of House bills 7179 and 7822, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

1103. By Mr. TILSON: Petition of Andrew M. Bristol and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

1104. By Mr. WEFALD: Petition of 75 residents of Becker County, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822), or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1105. Also, petition of eight residents of Badger, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1106. Also, petition of 16 residents of Lockhart, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1107. Also, petition of 35 residents of Richville, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1108. Also, petition of 44 residents of Roseau County, Minn., urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

1109. Also, petition of 118 residents of Minnesota, urging that the compulsory Sunday observance bills (H. R. 7179 and 7822) or any other national religious legislation which may be pending be not passed; to the Committee on the District of Columbia.

SENATE

TUESDAY, March 9, 1926

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, who art in heaven, hallowed be Thy name. Grant that it may always be hallowed to us, so that in our speech, in the daily intercourses of life, we may remember the hallowing influence of that name which should ever abide as the chiefest of all names. Grant that we may enter into the sympathies of the Psalmist and say, "May the words of my mouth and the meditations of my heart be acceptable to Thee." Through Jesus Christ, is our prayer this morning. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday last, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 8, 1926, the President had approved and signed the act (S. 2825) to grant the consent and approval of Congress to the South Platte River compact.

SALE OF REAL PROPERTY BY WAR DEPARTMENT

Mr. WADSWORTH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 6½, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, and 37, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the House and insert in lieu thereof the following: "Provided, That no part of any such tracts or parcels as are now actually occupied under lease or license by a post of the American Legion shall be sold without the consent of such post"; and the House agree to the same.

Amendment numbered 28: That the Senate recede from its disagreement to the amendment of the House numbered 28, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by the House and insert in lieu thereof the following: "And provided further, That if the proper official or board of any such State, county, or municipality shall within such time limit notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification: *Provided further*, That where any of the lands referred to in section 1 are now under lease or license to any State for National Guard purposes, the State shall have the right to purchase said lands at their appraised value, and after purchase may sell any part of such lands as in the opinion of the Secretary of War may not be needed for the use of the National Guard of such State: *And provided further*, That the sale of Fort Gaines, Ala., authorized to be sold under the act of June 4, 1924, may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said act"; and the House agree to the same.

J. W. WADSWORTH, JR.,

RALPH H. CAMERON,

DUNCAN U. FLETCHER,

Managers on the part of the Senate.

W. FRANK JAMES,

JOHN PHILIP HILL,

HUBERT F. FISHER,

Managers on the part of the House.

The report was agreed to.